

***Proceedings of the Council of the City of Joliet, Illinois
held on the 4th day of May, A.D. 2010***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Tuesday, May 4, 2010 at 6:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

INVOCATION

An Invocation was delivered by COUNCILMAN DORRIS and he then led the pledge to the flag.

MAYOR PRO-TEM BROPHY requested a moment of silence for the passing of County Executive Larry Walsh's mother and County Coroner Pat O'Neil's father.

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, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA, COUNCILMAN AT LARGE MICHAEL F. TURK and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ABSENT: MAYOR ARTHUR SCHULTZ.

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

APPROVAL OF MINUTES

COUNCILMAN GIARRANTE moved that the minutes of the Pre-Council Meeting of the Council of the City of Joliet, Illinois held on Monday, April 19, 2010 at 3:30 p.m. and of the Regular Meeting held on Tuesday, April 20, 2010 at 6:30 p.m. stand approved as recorded.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

The Proclamations were moved up on the agenda at this time.

A. Proclamation re: Recognizing Joliet Junior College Student Hot Foods Team Championship

COUNCILMAN UREMOVIC read a Proclamation issued by MAYOR SCHULTZ recognizing the accomplishments of the Joliet Junior College Student Hot Foods team and congratulating them on winning the 2010 American Culinary Federation's Student Team Central Region Championship.

JJC team coaches Chef Michael McGreal and Chef Tim Bucci, assistant coach Suzette Simpson and team members James Bingham, Molly Meehan, Lauren Mulvey, Matthew Cappellini and Lindsey Ciszewski were present and thanked the Council for their recognition.

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B. Proclamation re: Proclaiming May 2010 as “Motorcycle Awareness Month”

COUNCILMAN TURK read a Proclamation issued by MAYOR SCHULTZ recognizing the 23rd anniversary of the efforts of A.B.A.T.E. (A Brotherhood Aimed Towards Education) of Illinois, Inc., proclaiming May 2010 as Motorcycle Awareness Month and encouraging all residents to unite in the safe sharing of roadways within the City of Joliet and the State of Illinois.

Mr. James Ebersohl of A.B.A.T.E. of Illinois, Inc. thanked the Council for their recognition.

COUNCIL COMMITTEE REPORTS AND AGENDA ITEMS

A. Communication, Technology and Information Systems

MAYOR PRO-TEM BROPHY stated that the Committee met on Thursday, April 29th and discussed media and communications and City Hall building sign improvements. He said around City Hall there are some slight changes with regard to the maps next to each door indicating how to get out of the building, signs on doorways that indicate which offices they are and there is a main map in the lobby.

MAYOR PRO-TEM BROPHY stated that the Committee also discussed a Digital Signage Network proposal from Impact Outdoor to construct large television screens, almost billboard sized, in the right-of-way in various places in the City, and in return they would pay the City a rental amount or allow us a couple of advertising spots. He said the spots could also carry emergency messages, tornado warnings, Amber Alerts and things like that. He said Impact Outdoor suggested we consider some of the easements or the right-of-way that the City owns so they don't have to buy land to put these up. He said this is the first time the Committee considered this so we asked the staff to go back and look at some of the details.

MAYOR PRO-TEM BROPHY stated the Committee also discussed the GIS Mapping Phase III software that the staff wants to proceed with. He said this is important information to be able to organize and coordinate staff work and geographic information throughout the City including the utilities underground as well as maintenance issues.

B. Land Use

COUNCILMAN SHETINA stated that he would like to preface the Land Use Committee agenda report by talking about the bus trip last week to the CenterPoint property which he and Councilwoman Quillman, Councilman Giarrante and Councilwoman Barber were able to attend. He said representatives from CenterPoint were there and gave us a good introduction to what has occurred over the past year and a half and we got a look at the 1,000 acre railroad portion of the 3,800 acre project. He said the panoramic view from the bridge that was built was something to see. He said the project speaks for itself and before it's finished, he thinks there will be several thousand people working there. He said we also road the bus down Schweitzer Road which was a concern of two ladies that come to most of our meetings, and their concerns are real, but that's something we're going to have to deal with until the project is

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done.

COUNCILMAN SHETINA stated the Land Use Committee met on April 26, 2010 and he asked Director of Community and Economic Development Jim Haller to explain the vacant building registry.

Mr. Haller stated that the Inspectional Services Division has been going out and trying to categorize how many and where the foreclosed properties are located. He said they do inspections on all of the properties and they had a list that had 500 plus foreclosed properties and on top of that, there are another 300 vacant properties that are not in foreclosure that they have had the chance to inspect. He said we had discussed whether or not we should require everybody that has a foreclosed or vacant building to register those properties on a registry and charge a fee to help defray some of the inspection costs. He said the final analysis was that we are going to do more work on it.

COUNCILMAN SHETINA stated that Rebecca Darley and Bob Nachtrieb of CAPA have been meeting with the folks from the realtors lobby and we at least got to a point where there will be a fee for the City to pick up its costs. He said we need to have a way of handling those kinds of houses and if we have a good handle on it, it will make it a lot easier to respond.

COUNCILMAN SHETINA stated several people from Kendall County Area Transit (KAT) were at the meeting and they would like us to be involved in their dial-a-ride program and were looking for approximately \$6,000 per year. He said he doesn't know that the City has that money, but if we see the need maybe we can do something with it.

COUNCILMAN SHETINA asked Mr. Haller for a brief update on the energy grant.

Mr. Haller stated the City has chosen a contractor to do the analysis and will do energy audits on all of the municipal buildings the City owns. He said this is a grant from the Department of Energy and it is going to fund not only the energy audit but ultimately a conversion to LED traffic signals and also a program to provide totes to lower income people to see if we can't increase participation with the recycling program.

COUNCILMAN SHETINA stated that Bonnie Horne attended the meeting and gave an informative presentation on the history of Joliet Union Station.

COUNCILMAN SHETINA asked Mr. Haller to give an update on the Cass Street Corridor Tax Incremental Financing (TIF) District study.

Mr. Haller stated that the City has the downtown TIF district that was expanded after it was originally initiated and we've seen a fair amount of activity in the downtown. He said the Cass Street corridor is a major entryway into the downtown and we wanted to consider a new TIF in that area going out Cass Street from the downtown limits all the way out to Henderson or a little beyond Henderson to the east to the current City limits. He said we talked about what it would take to do a TIF study and the price quotes we've gotten so far are between \$30,000 and \$60,000. He said what we hope to do with that is see if we can jump start commercial development along that corridor. He said we had a major national retailer that was looking for a corner over there and that project unfortunately has fallen by the wayside, but a new developer has stepped in and said they are very much interested in continuing with a commercial project there

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and talked about the benefits of having a TIF in place that would help this proposed project. He said the developer has told us his project would not proceed unless he had some financial help from the taxpaying community. He said a discussion was held on how a TIF would help all of the land owners over there and help revitalize that whole corridor. He said our goal is to improve the offerings to the citizens on that side of town as well as improve the appearance of the buildings over there. He said we left it at trying to finalize the exact dollar amount to have the study done and set a timeframe.

COUNCILMAN SHETINA stated there was one more item discussed, the conversion of 170 N. Ottawa Street.

Mr. Haller stated that's the Art Deco building that National City is in and there is a developer who is going to lease out the second and third floors and put in sixteen apartment units. He said these could be converted to condos at some point so they will all have separate heating and air conditioning units and a washer and dryer and all of those kinds of things. He said they would hit the market at about \$1200 to \$1300 per month and most of them would be two bedrooms and very high quality. He said the developer has been talking to a financier who is ready to approve funding and we had talked about reimbursing him through the TIF funds, as intended with the TIF. He said it's a nice punctuation to a somewhat dismal development year.

MAYOR PRO-TEM BROPHY stated that he thinks it's important that the City help this developer. He said there is a lot of former office space that is appropriately convertible to residential and this will be a good project like the one at 150 N. Chicago Street.

Mr. Haller stated that we are ready to hit the ground running with this one. He said the nice thing about this project is they have reserved parking spaces in Harrah's parking deck so all of these units will have guaranteed spaces available to them across the street.

COUNCILWOMAN QUILLMAN stated that again today in the newspaper there was a comment about how deplorable the restrooms are at Union Station. She said it really doesn't send a good message when people are traveling through and need to use the restroom. She asked what's going on there.

The City Manager stated that the maintenance of Union Station is a challenge. He said we have a part-time employee who goes there in the morning and then returns in the afternoon, but obviously there is a lot of usage during the day and unfortunately the restroom facilities get used by people who are transients and they don't necessarily care for the restroom like we would care for them. He said short of having someone there on a full-time basis, we have our hands full in trying to deal with that. He said we've looked at a couple of different options and we are working on a long term solution.

COUNCILWOMAN QUILLMAN asked if there is a long term solution.

The City Manager said that the long term solution is to build a new multimodal transportation center and sell Union Station to a developer to make it into offices, retail or commercial. He said a couple thousand people go through there every day.

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C. Public Service

COUNCILMAN TURK said the Public Service Committee met this morning and reviewed the contracts, change orders, pay estimates and final payments, found them all to be in order and recommended their approval.

COUNCILMAN TURK stated they received an explanation from Jeff Sterr of Neighborhood Services regarding the low number of bidders for rehabbing Neighborhood Stabilization Program homes. He asked the City Manager to explain.

The City Manager stated there are two things that may be discouraging other bidders from submitting bids, the first being the City's responsible bidders ordinance that requires bidders to have an apprentice program in place in order for them to be eligible to bid on any contract over \$25,000. He said that probably discourages some small construction companies from submitting a bid because they don't have the wherewithal to have an apprentice program. He said the second obstacle may be the regulations that go along with the Neighborhood Stabilization Program funding that we receive from the Federal Government and he explained those regulations. He said we are going to be looking for other bidders to submit to make sure we keep a competitive atmosphere and not see the contract price exceed the estimate.

MAYOR PRO-TEM BROPHY stated if it cost \$158,000 to remedy this house, it's sitting in a neighborhood of houses that are worth about \$160,000, and the City is going to have \$256,000 into this house when it's done. He said that is disturbing when the City is spending that much above market for these when the price should have been near zero. He said if we want to do as much good as we can and stabilize as many neighborhoods as possible, we need to spread this out more. He said he doesn't want to interrupt the approval of the bid but we have to understand from this one what happened and see if we can prevent it going forward.

COUNCILMAN SHETINA asked if there is a remedy to it at this point and can we still salvage something by not going ahead.

MAY PRO-TEM BROPHY stated no, we have to proceed with the rehab. He said we bought it with federal funds, we have to fix it and we have to sell it but we're going to sell it at a loss and this one will be at a substantial loss.

COUNCILWOMAN QUILLMAN asked about Council Memo #330-10 dealing with the repair of a water main pipe. She said the memo states the pipe that did not hold was fairly new with no obvious cause for failure, and she said shouldn't a water main pipe last longer than thirteen years.

Director of Public Utilities Jim Eggen stated that there was no obvious cause for the failure, it was just a material failure and should not fail that soon. He said ductile iron should last a hundred years.

COUNCILWOMAN QUILLMAN asked if we should go back to the company that installed it or supplied it.

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Mr. Eggen stated that it would be out of warranty. He said it's something that we'll make note of and make sure there is not a pattern starting. He said we try to track and stay on top of this with regard to repair and replacement of water mains. He said this was a developer improvement and they hired Spiess Construction which is a reputable contractor and has done a lot of work for the City.

COUNCILWOMAN QUILLMAN stated that this is costing the City quite a bit of money to have fixed and she is just wondering if there is going to be a trend. She said there is no reason why it broke and it should last 100 years.

Mr. Eggen stated that most likely it was damaged during the installation and because of the nature of the material it wasn't caught. He said typically when a water main is put into service it would be subjected to a pressure test and any weak points or failures would show up at that point and this one didn't.

COUNCILWOMAN QUILLMAN stated that the other question she had was on Council Memo #335-10 dealing with a change order for the Parking Meter Terminals. She said she is concerned because it is going to cost an additional \$10,000 for the electrical connections because when it was bid they did not know how much the electrical was going to be. She asked if the other bids received for the project included the electrical work.

Director of Public Works Jim Trizna stated that the electricity and concrete pads were not in the bid specifications. He stated they were trying to expedite getting the stations in place and didn't know exactly where the electrical was going to be coming from. He said after it was awarded, the electric was added on because we didn't know exactly where the electric source would be and the cost.

MAYOR PRO-TEM BROPHY asked if Mr. Trizna can recommend local suppliers to the contractor and make it part of the agreement.

Mr. Trizna said that the City can recommend suppliers but we can't require them to use them.

MAYOR PRO-TEM BROPHY asked if Total Parking Solutions is an electrical contractor.

Mr. Trizna stated that they have people on staff to do electrical work.

There were no other Committee reports.

AGENDA ITEMS AND REPORTS:

A. Poem Recitation by Cary Jamison of Joliet Job Corp

COUNCILWOMAN QUILLMAN stated she had the opportunity to attend the Joliet Job Corp tree planting ceremony on Earth Day where a poem was read by Cary Jamison. She said this poem touched her and was so poignant that she asked Cary to come and read it.

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Cary Jamison recited the following poem written by Mitchell Lilly of the Job Corp Student Government Association:

“There is a saying, it is better to give than to take. Yet, humanity continues to take without giving. We have taken and destroyed millions of acres of land, water, and even the sky. We have drilled to the depths of the earth and cut down countless trees. We have used too much and wasted too much, but today we are breaking the cycle of disregard for our environment.

Today, we must decide to live green by using our resources wiser, conserving our resources and most importantly, giving back to our earth that never ceases to stop living.

Now, let this tree signify the start of our Live Green journey. As the trunk grows, let it represent our strong foundation on green principles. As the branches grow, let it represent our passion for living green and to spread to the outermost corners of our community and let the leaves symbolize the beauty of giving back to our earth. Go Green!”

APPROVAL OF REGULAR CURRENT BILLS

- A. Regular Payroll – March 16 – April 8, 2010 - \$2,969,790.12
(Council Memo #312-10)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period March 16, 2010 through April 8, 2010 including a Summary of Overtime and an Overtime Budget Status Report were accompanied by a recommendation from the City Manager that said Regular Payroll be allowed.

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

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. AN ORDINANCE Amending the Joliet Liquor Code in Connection with Beer Gardens was presented and read.
(Council Memo #313-10)

COUNCILMAN GIARRANTE stated that he had a conversation earlier with the Corporation Counsel to make sure he understood what he was voting on. He said the way he understands it, there are currently 27 Class O liquor permits, and if they wish to extend their hours, they need to have a hearing with the Liquor Commissioner. He said if the Liquor Commissioner denies it, it is a dead application, and if he recommends it, it comes back to the City Council to vote on.

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COUNCILMAN GIARRANTE said that he would like to incorporate into this ordinance that when the liquor license comes to the Council, the residents and also any homeowner associations within three hundred feet be notified of when it will be discussed at Council. He said he would like to add this if there is no objection from the rest of the Council.

MAYOR PRO-TEM BROPHY asked if the Liquor Commissioner's hearing is a public hearing.

The Corporation Counsel advised that the liquor hearing is open to the public. He said the current process would be to have the Mayor's Office issue a mail notice and also post an informational sign at the curb of the property that is affected, just like the zoning notices.

MAYOR PRO-TEM BROPHY stated the residents could attend that hearing also which is typically during daytime hours. He said the public would have at least two opportunities to address the possibility of a beer garden license extension.

The Corporation Counsel said that is correct, and the only difficulty in that is the Liquor Commission may not always know when the matter is going to be referred to the City Council. He said many times they'll have a hearing and know when to schedule that, but they may not have all of the information back yet from the State Police, for example, to bring it to the Council. He said he doesn't know if the first notice should be drafted in a way where the people that wish to know when the City Council hearing will be scheduled can get on another notification list.

COUNCILMAN GIARRANTE stated the Liquor Commissioner would have to allow for enough time to get notices out to the residents and homeowner associations before it is put on the agenda.

The Corporation Counsel said that he thinks that could be done. He said all of the homeowners and homeowner associations could probably be contacted by phone or email, however, we could set up a second full mailing and there is just a little bit of administrative burden and expense that goes with that.

COUNCILMAN GIARRANTE stated that he would like to see a second mailing to be sure everyone gets the notice.

COUNCILWOMAN QUILLMAN asked if the Mayor were to deny an application, where does an appeal go, would that go to the Council or the state.

The Corporation Counsel stated that every Mayoral decision that would constitute a final decision on behalf of the City is appealable to the State of Illinois and their Liquor Control Commission. He said if the Mayor turns down a license, that decision doesn't go to the Council, it goes to Chicago or Springfield to the Illinois Liquor Control Commission.

COUNCILWOMAN QUILLMAN stated that whether the Mayor denied it or not, it could still be overturned by the State. She asked if there is a way to get around that by enforcing so many feet from residential because some places are very close to residential and others aren't. She asked if staff checked out surrounding municipalities and what their ordinances were for beer gardens.

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The Corporation Counsel stated that he did not have the opportunity to check other municipalities. He said the minimum distance requirement in other municipalities is probably going to be all over the place. He said one way to prevent the State from reversing a policy or licensing decision made here is the disqualification issue. He said yesterday we discussed licensees that were convicted of disturbing the peace, disorderly conduct or some form of noise nuisance related activity, and if the City Council makes the absence of a conviction an absolute requirement to get a license, then there is nothing the State can do about that. He stated the Council has control over who gets the license, and what the State has control over is a decision about whether or not a licensee is actually guilty of abusing his license, not what the original requirements are to hold a license might be like an absence of conviction for disturbing the peace or disorderly conduct, or a minimum spacing requirement for a beer garden. He said the State has no jurisdiction over that minimum buffer.

COUNCILMAN SHETINA said in the event of an extended illness as we've experienced recently with the Mayor, who is the Liquor Commissioner, are there any provisions in our bylaws or statutes for a succession. He asked if the Mayor Pro-Tem can act in the stead of the Mayor or is there any provision for that.

The Corporation Council stated that currently the Mayor can authorize any City person or anyone in particular to serve as a Deputy Liquor Commissioner or a hearing officer. He said currently the Deputy Liquor Commissioner would fill that role and in virtually every case, it's the Deputy Liquor Commissioner, which there are three of them, that actually hear these cases. He stated the ultimate decision is made by the Mayor and he's not routinely personally present at any of the hearings, although he has the ability to review the transcript and accept a written report from his Deputy. He said he doesn't know that a succession provision or amendment to the Code is needed; that is in place already with the Deputy position and besides that, the Mayor could authorize other parties to act on his behalf for a hearing.

COUNCILMAN SHETINA stated that his question is whether or not there is a proviso with the absence of the elected official, with the Mayor being the elected official. He said those duties with that position should be done by an elected official, and in the event of that occurrence, that elected official, in his opinion, should be the Mayor Pro-Tem or somebody that is an elected official. He said he doesn't see that in the ordinances, he thinks we need to look at that and in some format, if the Council agrees. He said there are duties that the Mayor carries out and he doesn't believe that the corporate authority of the Mayor should be given to anybody other than a elected official to carry out those functions.

MAYOR PRO-TEM BROPHY asked if the Illinois statute on liquor controls that process or does home rule allow the Council to define how the succession takes place.

The Corporation Counsel stated that the City does have home rule authority over liquor issues, however, the Mayor by Illinois law is vested with the liquor control responsibility and there has been some debate among municipal attorneys about the authority of a Council to take some of those powers away. He said there's not a court case that is right on point.

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COUNCILMAN SHETINA stated that he doesn't want to see any of the authority of the Mayor taken away, he wants to see that there is a function whereby an elected official carries out the functions of the Mayor who is the elected person being Liquor Commissioner. He said he would like to see an elected official, that being Mayor Pro-Tem, be the designee. He asked if there is any reason the Mayor cannot have a designee or the Council have a designee in succession to handle the functions of the elected official or the Mayor.

The Corporation Counsel advised that the Deputy Liquor Commissioner handles the hearing process under our current ordinance. He said as far as the ultimate decision on licensing, that would require a change to our ordinance. He said we do not have any procedures that would give the ultimate decision to another party when there is a vacancy in office, and there isn't one currently. He said for temporary absences, such as short term illnesses, generally there is no need for a successor. He said there is a pause in activity perhaps but we have never had the need to use the Mayor Pro-Tem as the temporary or acting Liquor Commissioner. He said we can look into it and see if there is any legal issue with that; it may require a little discussion and consideration.

COUNCILMAN SHETINA said that he would appreciate if he would look at it, he thinks it's important that we do that. He said there ought to be progression of authority that should be stated and should be in place.

COUNCILWOMAN QUILLMAN asked if we could have a probationary period for the beer garden permit.

The Corporation Counsel stated a policy statement could be included in the ordinance that enhanced scrutiny will be applied to new licensees, whether it be for the beer garden or any other type of licensing, but the State is always going to require that once a license is issued, there has to be a reasonable basis to take it away. He said we could include a probationary period that sets a lower standard of proof for outdoor beer gardens. He said he doesn't know that the State will always honor that and they may substitute their judgment anyway, but he doesn't see why we can't include some sort of new licensee probationary scrutiny period, six months, a year, whatever makes sense.

MAYOR PRO-TEM BROPHY stated he echoes concerns that Councilman Giarrante voiced yesterday where there could be abuse by a complainer who knows that a certain amount of calls would generate a revocation and they could generate those fraudulently and unduly revoke a license from an operator who may not deserve it.

The Corporation Counsel stated that we would have to be real careful that we don't set up an automatic revocation process after the license is issued. He said a license is a privilege but it's also a valuable thing that business people make significant investments in and because of that, we need to have a process that's fair to the business owner and fair to the neighbors and City as well. He said looking at the business owner side of the equation, we always need to have a fair hearing where the City or the Liquor Commissioner has to prove that the licensee violated a rule. He said he doesn't think that it is fair to the business owner to set it up where that rule is, for example, three police calls without any examination of the basis of the call.

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COUNCILWOMAN QUILLMAN asked if it has to be midnight during the week, or could it be 11 or 11:30 p.m. and later on weekends. She said even if you're three hundred feet away, voices do carry at night and a lot of people get up early and she is one of those people. She said she doesn't live next to a beer garden but she knows there is a lot of work force out there that gets up that early and if they sleep with the windows open, midnight is a long time. She said she would go along with it if it was 11 p.m. during the week and not for the full hours of the establishment, like 3 A.M., but that is just her thought. She said along those same lines, to go to 3 A.M. on the weekends seems to be a little long but she can see it from both sides. She said she has received many complaints about even passing this ordinance, however, we have to help the business owners as well but she would go along with 11 p.m. Monday through Friday, midnight seems a little long.

COUNCILMAN TURK stated that there has been a lot of discussion on this ordinance and as a result of that he thinks some good safeguards have been built into the ordinance, such as what they can and can not do in a beer garden, the noise levels and such. He said he used to get a lot of complaints about different establishments that didn't have beer gardens that were in neighborhoods because their doors were left open and the patrons caused a problem going through the neighborhood when the establishment closed. He said since those businesses have either closed or have different owners he hasn't received any calls or complaints. He said he thinks it's great that there is not going to be music allowed in the beer gardens, and he gets calls from neighborhoods where people are having parties out in their backyard and their music is too loud. He said as a result of all the meetings and hearings the license holders pretty much know and understand the expectations of the City Council and the City of Joliet that there is not going to be any disruption to the neighbors and if there is, then we need to deal with it and he would hope and expect that they police their own establishments as they do now. He said he has picked out some of the licenses on the list and he has talked to the neighbors that he knows that live near them and they didn't object either.

COUNCILMAN UREMOVIC thanked the Corporation Counsel and the City Manager for trying to put together a good structure here and he thinks they did a good job, but there are still quite a few unanswered questions in regard to this amended ordinance. He said he would like to see what other communities are doing and know what their complications are, some of the things they face and how they address them before we open the door to this. He said he agrees with some of the comments made by Councilman Shetina yesterday regarding the hours and he thinks they were very well put and he thinks those are things we need to look at.

MAYOR PRO-TEM BROPHY then opened up the floor for public comments.

Mr. Jim Confer of 235 Westport Dr. said he has been an insurance agent for 30 years in the community and insures a lot of the restaurants, bars and amusement places in Joliet. He said the restaurant and bar owners are professionals, there's no more ma and pa stores, and they spend millions of dollars in their businesses and in the community. He said they also employ a lot of people and generate much needed sales taxes and revenue. He said we need to help our business owners.

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Mr. Kevin Hegarty of 1303 Oneida Street said he is here as an employee of Chicago Street Pub and McBrody's Bar and Grill to speak in support of extending the hours of beer gardens located within the City of Joliet. He said also with him tonight is Jim O'Connell, owner of McBrody's, Mike Trizna, owner of Chicago Street Pub, and a few of their employees. He said with the current economy still in disrepair, small business owners need any advantage possible to earn as much income as they can, and the bar and restaurant industry sees a direct correlation between a down economy and an individual's willingness to spend money on food and beverages. He said the last year has been rough and the trickle down effect is then felt by the employees. He said the extension of beer garden hours is a necessity for the downtown establishments especially and their employees and for many this is their sole source of income. He said the employees range from students, moms, single men and women and people like himself who find themselves laid off and unable to find a job in their area of expertise. He stated while the extra tax revenue will not solve all of the City's financial problems, the extra income to the bars and the employees could be the difference in their ability to pay the mortgage, pay the rent, pay for tuition or pay for health insurance. He said downtown bar owners have invested heavily in downtown Joliet because they believe in the future of downtown Joliet and share that vision with their employees. He said if people are forced to go inside before the regular closing time, those customers are more likely to leave rather than go inside a crowded bar. He said we have also noticed that people are going out later in the night in order to spend less money and sometimes don't arrive until 10 or 11 P.M. He asked that the Council consider an expansion of the beer garden hours and allow their residents to enjoy themselves in a nice relaxing atmosphere. He said as we all know, in northern Illinois, we're lucky to get 3 or 4 months where the weather is nice enough to sit outside and enjoy a drink with friends, and he asked that the Council allow their customers to do that a little bit later in the evening.

Mr. Peter Gelis, owner of Jameson's Pub, and owner of Louie's Chophouse in Shorewood, stated that since the whole beer garden situation has been going on, he did a little research because he didn't know what direction the Council was going to take. He said the Village of Shorewood would allow him to open a beer garden until 3 A.M., and if the Council does not allow them to open their beer garden, they plan on moving their beer garden to Louie's Chophouse and it will be open until 3 A.M. every day of the week. He said they've been open and doing this now for six years and as long as he has been in business, they've had their beer garden open from the hours of their liquor license, and for whatever reason, there was a gentleman that came in to enforce the ordinance and made everybody close down. He said we weren't given the chance to correct anything, no one said there was a problem, we were just told to shut it down. He said he made close to half a million dollars in investments in his beer garden that he thought was going to be open until 2 or 3 in the morning and then all of a sudden it was wiped away. He said now everyone has to go in at 10 or 11 p.m., and nobody wants to do that, his bar business is based on people being outside.

COUNCILWOMAN QUILLMAN said that most of her letters and complaints were from people that live across from Mr. Gelis' establishment and that is where the noise and all of the disruption was coming from.

Mr. Gelis said that the bar behind him had it's back door open with music pounding and that bar is no longer there. He asked if there have been any more complaints.

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COUNCILWOMAN QUILLMAN said that it isn't summer yet.

Mr. Gelis stated that there won't be any problems. He said the noise wasn't coming from Jameson's Pub, it was coming from the bar behind him that was getting a call on it every day or every other day.

Ms. Gina Surges of 805 Gael Drive said she lives in one of the surrounding houses around Jameson's and she is not able to have her windows open in the summer; Thursday night she couldn't have her window open because of the noise. She said In the summer, there are outside speakers and it's very disruptive. She said she has called the police a few times to complain and they've gone over there. She stated she understands the owner can't control what happens after the establishment closes, but there is drag racing going up and down Black Road, people are urinating in the parking lot, there are a lot of things going on. She said she understands that we need to help these restaurants and bar owners and to help the City but she lives in the City too and as a homeowner she thinks she should be able to have her windows open at 11 or 12 o'clock at night and be able to sleep.

COUNCILMAN GIARRANTE asked the Corporation Counsel if the establishments will be allowed to play music outside.

The Corporation Counsel said that establishments are not allowed to play music within five hundred feet of a residential zone after ten o'clock even with the passage of this ordinance.

MAYOR PRO-TEM BROPHY stated that Ms. Surges can complain any time she hears anything that disturbs her peace, whether it be frogs croaking or the bar playing music, she can call and file a complaint about her peace being disturbed, morning, noon or night.

Mr. Mike Trizna of 907 Richmond Street, owner of Chicago Street Pub, stated that he has owned the pub for 5 to 5 ½ years now and earlier they were talking about a probationary period for this new ordinance. He said when he purchased the Chicago Street Pub he was given the impression that his entire license was under a probationary period and if he screwed something up, the City had the right to take it from him and because of that, for 5 ½ years he has done the right thing. He said he has not had any problems, he has not had any police calls that he knows of from outside the bar. He said they are over a thousand feet from any residence at all and that is in an enclosed apartment three streets away. He said he would like to at the very least have the chance to apply for a license that would allow him to keep his patio open, it only seats about 20 people but it truly does mean the difference between him staying open or closing monetarily. He asked that the Council take his comments into consideration.

Mr. Josh Koplinski of Glenwood Manor Subdivision stated that he went into Jameson's Pub Friday night to introduce himself and see what was being proposed, and they told him they wanted to keep the beer garden open until 3 a.m. He said he wakes up very early in the morning and he hears tire squealing and people talking outside. He said he could have a decibel reading done if that needs to be done to show how loud the noise is. He said he could put a tape recorder in his bedroom and record full conversations.

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MAYOR PRO-TEM BROPHY stated that he can complain about his peace being disturbed at any time of the day or night.

COUNCILMAN GIARRANTE stated that the president of the Glenwood Manor Homeowner's Association would be notified, according to his suggestion of notifying the neighbors, if that establishment applies for an extension. He said the president would then be able to contact the residents to inform them of the hearing for the extension.

COUNCILMAN DORRIS left the meeting at this point.

Mr. Koplinski asked what the procedure is if he were to call and complain.

Police Chief Fred Hayes stated that he would need to contact the Police Department and they would respond, meet with the complainant, document the allegations and investigate whether they can prove that what he is alleging is taking place. He said if there is evidence to prove the violation, they would cite the owner for that violation. He said it doesn't matter if it is during the daytime or what hour it is, if a person's peace is being disturbed from a reasonable person's perspective, there can be cause to be charged for a violation.

Mr. Jeff Reid, owner of Double J Sports Bar, stated that they really can't control the traffic after they close the bar and when customers leave the bar, they are on their own. He said he is in a non-residential area and would hope that they would be able to get the extension on their license. He said they are doing things to their patio to improve it and make everybody comfortable.

Mr. Jim O'Connell, owner of McBrody's, stated that they all applied for a license, went through a process to get the license and had background checks and the same thing holds true with the beer gardens. He said no one has ever called the police on them, but if there is a complaint that is dealt with by the Liquor Commission or the Council. He said everybody should be allowed to apply and if someone is not doing their job, then they should be held accountable, but until then, they should be approved for everybody.

Mr. Richard Frederickson of 23306 W. Lake Street, Plainfield stated he is the marketing director for the Gelis' and he wanted to make a clarification due to some of the comments from neighbors. He said there are no outside speakers at night allowed in the patio area and there are no bands outside. He said the parking area in that complex is not all Jameson's parking and Mr. Gelis has neither the authority nor the ability to patrol that entire area. He said with the later beer garden hours there will be a significant increase in business, and that will be significant at a time when we need to help businesses and increase the tax base. He said Joliet has competition from other villages like Plainfield who would like to take some of our patrons and we have seen and do know that there are Joliet people going to other areas where they can sit outside.

Mr. Joe Pecora, owner of Hero's West, stated that in his establishment, he makes sure that all of their servers are trained and they try to make sure their patrons are not over-served and behave themselves whether in the bar or in the beer garden. He said his business is over two thousand feet from the nearest residential property and close to the expressway which makes more noise than they possibly could. He said he is comforted knowing that there are two levels that any bar would have to get through before they get the extra hours, the Liquor

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Commissioner and the Council. He said he has been running a bar in Joliet since 1998 and has found the Liquor Commissioner to be very fair to both the bars and to the residents. He said the Liquor Commissioner is very concerned about bars running a clean and tight establishment. He said the second level is the Council and he can't imagine that a location that wanted to get a beer garden that had opposition or had relevant and real concerns would get by this panel also. He said he thinks there are enough safeguards in place to make sure that people will not have their peace disturbed and he doesn't want to disturb anybody's residences.

2. AN ORDINANCE Amending the Joliet Liquor Code in Connection with Beer Gardens was presented and read.
(Council Memo #313-10)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted with an amendment that any residents and homeowner associations within three hundred feet of the establishment be notified of the hearing on the request for extended hours.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: COUNCILWOMAN QUILLMAN and COUNCILMAN UREMOVIC.

Prior to her vote, COUNCILWOMAN QUILLMAN said she still has many unanswered questions and she defends the right for the business owners to apply for this license, however, she doesn't want to rush into this. She said she also has to take into consideration the people that elected her to office and their peace being disturbed. She stated she would like to see some kind of compromise with this ordinance but apparently it's going to go forward right now. She said she can't in good conscience push this through right now, she still has lots of unanswered questions and she wants to know what surrounding communities do, exactly what their ordinances say and what their stipulations are. She said her intent is not to hurt the business owners but she also doesn't want to hurt the people that live close to there now. She said she would like to table this for two weeks so her questions would be answered and she could give an informed vote.

COUNCILWOMAN QUILLMAN moved that said Ordinance be tabled for two weeks.

COUNCILMAN GIARRANTE stated that a person can't speak on an issue and make a motion to table; the table is out of order.

The Corporation Counsel stated that in all fairness our practice has been a little loose under Robert's Rules and one thing we have always been consistent with is that a motion to table is entitled to a vote if it gets a second. He said we've had discussions before about being a little stricter with comment but that comment occurred prior to the motion to table.

MAYOR PRO-TEM BROPHY asked if the Chair has the prerogative to find it in or out of order.

The Corporation Counsel said it is the Chair's call.

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MAYOR PRO-TEM BROPHY stated that he finds the motion to table out of order and he asked COUNCILWOMAN QUILLMAN to vote.

COUNCILWOMAN QUILLMAN then voted no.

Prior to his vote, COUNCILMAN SHETINA stated that he certainly understands COUNCILWOMAN QUILLMAN'S concern and he has the very same concerns. He asked the Corporation Counsel for an explanation so everyone is aware what we are dealing with.

The Corporation Counsel stated that the ordinance will keep in place all of the current restrictions on beer gardens with one exception, and that is if the Council grants an additional permission to these business owners, they can stay open in their beer garden operations either until midnight or until the closing time established by their license class. He said all that the Council is doing is changing the closing time for beer gardens in the event that those establishments receive licenses in the future. He said today the Council is just amending the code. He said what will happen next if the ordinance is approved is there would then be an application period with the Mayor's office, a hearing period and then a referral back to this Council for a decision on each individual location. He said today all the Council is doing is making it possible to apply.

COUNCILMAN SHETINA stated that he is going to support that. He said he does believe that we need to be conscious of people that are close by and as the process goes forward, we be very cognizant of the fact that there are people being affected. He said he doesn't know what the circumstances are in Glenwood Manor and he lives pretty close to a couple of establishments himself. He said once this process starts we need to be aware of what is happening in every neighborhood, and we still have the right to reject an application that causes a problem in a neighborhood just by being too close. He said he will support this but is going to be very careful about what he votes for or approves. He said we'll have a second shot at this and when those establishments come along that do not have a good record, he is going to vote no on them, and he then voted aye.

Prior to his vote, COUNCILMAN TURK said that as he stated earlier, he thinks the safeguards are built in and given the fact that these are going to be approved on a case by case basis, he'll vote aye.

Prior to his vote, COUNCILMAN UREMOVIC said he wanted to compliment the restaurant and bar owners and he frequents many of these establishments but he doesn't drink until 3 A.M. He said he would like to know what the communities around Joliet are doing and what their hours, restrictions and problems are. He said at this point he still needs more information so he is going to vote no.

Prior to her vote, COUNCILWOMAN BARBER said that she thinks each bar owner is responsible for their own actions and from what she has heard tonight, if they do wrong we have the opportunity to close it down, so she votes aye.

Prior to his vote, MAYOR PRO-TEM BROPHY said that he thinks he brought this matter up in December and suggested that it hit the committee level quickly. He said we did consider it at committee level and requested it be put on the Council agenda several times. He said he encouraged the matter because of the

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timeliness of it, and if we approve this tonight, it only begins the process for an establishment to apply to extend their beer gardens hours. He said constituents have asked to find other ways to generate tax revenue besides in their tax bill or water bill, and the taxes we collect from sales taxes are level when everything else is going down. He said these are taxes people are willing to pay so why don't we extend that a bit for those places that are qualified to do so and increase the tax revenues a little bit in the City. He said he wanted to make it clear to the public that nothing has been pushed through, we have given plenty of due diligence, plenty of due process on this and for that reason and many more he certainly votes aye on the matter and applauds those that did. He said he is glad there are five votes for approval which is the majority of the Council, and those wanting to apply should see the Mayor.

COUNCILMAN GIARRANTE stated that all this does is allow these 27 establishments to apply, none of them are going to automatically get it. He said for those who voted no, we're talking about some establishments that are out in the boonies that you're not even giving a chance to apply for this. He said there are some establishments that are having problems, but by voting no you are punishing all of them for a few, and he is glad it passed also.

MAYOR PRO-TEM BROPHY stated that for anyone that wants to apply please see the Mayor's Office for the process. He said it's up to the Mayor to put in place the process as far as the first stage.

The Corporation Counsel stated there is a beer garden application form ready to go that just changes the hours. He said the Mayor's office is equipped to hold pretty prompt hearings.

MAYOR PRO-TEM BROPHY said that the notice to appear on the Council agenda will mean a little bit of delay to honor the public notice part of it and he wished the owners good luck with their applications.

(ORDINANCE NO. 16640)

3. Ordinance re: Approving an Intergovernmental Agreement with Joliet Junior College for the Expansion of the Joliet City Center Campus
(Council Memo #314-10)
4. Resolution re: Approving a Real Estate Purchase Agreement for the Acquisition of 235 N. Chicago Street
(Council Memo #314-10)

The City Clerk advised that these items were approved at the Pre-Council meeting yesterday.

B. RESOLUTIONS

1. A RESOLUTION Opposing the State's Reduction of Local Government Distributive Fund was presented and read.
(Council Memo #241-10)

COUNCILMAN SHETINA moved that said Resolution be adopted.

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Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6374)

BIDS AND CONTRACTS

A. Award of Contracts

1. Award of Contract for the Rosalind Street Drainage Structure
Repair Project
(Council Memo #317-10)

A report on three quotes received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Construction by Camco in the amount of \$12,345.20.

2. Award of Contract for the Neufairfield Subdivision Punch List
Improvements
(Council Memo #318-10)

A report on seven bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Stip Bros. Excavating Inc. in the amount of \$61,391.25.

3. Award of Contract for the Purchase of a Replacement Pump at
Wexford West Lift Station
(Council Memo #319-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve an increase of \$4,576.00 to Purchase Order No. 106233; and 2) Approve Payment No. 1 and Final in the amount of \$5,566.00 on behalf of Gasvoda and Associates.

4. Award of Contract for the 2010 Sidewalk/Curb Replacement
Project – 2009 Neighborhood Improvement Program
(Council Memo #320-10)

A report on eight bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to M & A Cement Works in the amount of \$66,215.00.

5. Award of Contract for the Removal and Replacement of the
Storm Manhole at Ingalls and Lilac
(Council Memo #321-10)

A report on four proposals received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Construction by Camco in the amount of \$11,675.00.

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6. Award of Contract for Dewey Avenue Emergency Water Main Repairs
(Council Memo #322-10)

A report on nine proposals received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to P.T. Ferro Construction Co. in the amount of \$72,758.21.

7. Award of Contract for the Well Rock 3 (Farrell Road) Rehabilitation Project - 2010
(Council Memo #323-10)

A report on two bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Layne Christensen Company, Inc. in the amount of \$76,000.00.

8. Award of Contract for Elevator Maintenance
(Council Memo #324-10)

A report on seven bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award a three year maintenance contract for the period May 5, 2010 to May 4, 2013 to Colley Elevator in the amount of \$33,054.72.

9. Award of Contract for the Rehabilitation of 1024 Barthelme Avenue for the Neighborhood Stabilization Program
(Council Memo #325-10)

A report on two bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Paul Gabriel Construction in the amount of \$148,000.00.

10. Authorization for Payment of Tri-River Police Training Membership Dues
(Council Memo #326-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the payment of \$18,410.00 to the Tri-River Police Training Region for membership dues for the period July 1, 2010 to June 30, 2011.

11. Authorization to Purchase Vehicle Stabilization Kits for the Fire Department
(Council Memo #327-10)

A communication from the City Manager contained his recommendation that the Mayor and Council authorize the purchase of three Vehicle Stabilization Kits from 5 Alarm Fire & Safety Equipment in the amount of \$20,910.00.

12. Authorization to Purchase Annual Tornado Siren Preventative Maintenance
(Council Memo #328-10)

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A communication from the City Manager contained his recommendation that the Mayor and Council award this contract to Braniff Communications in the amount of \$9,716.75.

13. Authorization to Approve Payment for Emergency Water Main Repairs (Essington Road at Heritage)
(Council Memo #329-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve an increase of \$26,174.21 to Purchase Order No. 106412; and 2) Approve Payment in the amount of \$27,164.21 on behalf of Construction by Camco.

14. Authorization to Approve Payment for Emergency Water Main Repairs (South Chicago Street)
(Council Memo #330-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve an increase of \$8,141.50 to Purchase Order No. 106887; and 2) Approve Payment in the amount of \$9,131.50 on behalf of P.T. Ferro Construction Co.

15. Authorization to Approve Payment for Emergency Sanitary Sewer Repairs (Route 6 Force Main at I & M Canal)
(Council Memo #331-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve an increase of \$24,220.20 to Purchase Order No. 106888; and 2) Approve Payment in the amount of \$25,210.20 on behalf of J. Russ and Company.

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

B. Amendments, Change Orders and Payments

1. Approve Change Order No. 1 for the Replacement of the No. 1 Air Compressor at the Eastside Wastewater Treatment Plant
(Council Memo #334-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve Change Order No. 1 to Purchase Order No. 105740 in the amount of \$599.72; and 2) Approve Payment in the amount of \$13,269.72 on behalf of Harris Equipment Corp.

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2. Approve Change Order No. 1 for the Pay and Display Terminals for the Union Station and Joliet/VanBuren Parking
(Council Memo #335-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 to Purchase Order No. 106333 in the amount of \$10,600.00 on behalf of Total Parking Solutions Inc.

3. Approve Change Order No. 1 and Pay Estimate No. 1 and Final for the Repair of Fire Vehicle – Unit FD239 (2005 International/Horton Ambulance)
(Council Memo #336-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$3,342.09 and Pay Estimate No. 1 and Final in the amount of \$15,249.40 on behalf of Rendel's.

4. Approve Final Payment for the Rehabilitation of Neighborhood Stabilization Program Property at 3800 Flowermeadow Street
(Council Memo #337-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Final Payment in the amount of \$21,117.31 on behalf of Paul Gabriel Construction, Inc.

5. Approve Final Payment for the Rehabilitation of Neighborhood Stabilization Program Property at 1300 N. May Street
(Council Memo #338-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Final Payment in the amount of \$10,722.63 on behalf of Basic Brothers, Inc.

6. Approve Change Order No. 1 and Final Payment for the 2009 Neufairfield Future Park Site Renovation Contract
(Council Memo #339-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$1,200.00 and Final Payment in the amount of \$5,050.00 on behalf of ASE-Illini Scapes.

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

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

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LICENSE AND PERMIT APPLICATIONS

- A. Council Memo #342-10 re: Issuance of a Class “F” Liquor License at 205 E. Jackson Street

The City Clerk noted that this item was approved yesterday at the Pre-Council meeting.

MAYOR

- A. Proclamation re: Recognizing Joliet Junior College Student Hot Foods Team Championship
- B. Proclamation re: Proclaiming May 2010 as “Motorcycle Awareness Month”

These items were presented earlier in the meeting.

MAYOR AND COUNCIL COMMENTS

COUNCILWOMAN QUILLMAN asked about the status of the train whistles because she got another complaint today and supposedly there is a no whistle sign in an industrial area and this particular place is over off of Theodore Street. She said she’s not sure where the industrial part is but there is a sign that says “No Whistle Blowing”.

The City Manager stated that he is not familiar with that sign but he knows the application was filed with the FRA (Federal Railroad Association) and Jim Trizna’s team has been working on this for the last couple months.

Director of Public Works Jim Trizna explained the hearing process they are going through with the FRA before it is official and the FRA will let the railroad know they will not be allowed to blow their horns unless there’s an emergency.

The City Manager stated there will be equipment that will have to be added also.

Mr. Trizna stated that a small barrier curb will be added to Division Street and the other three locations don’t require anything additional except for the signs so the trains will not be blowing their horns.

COUNCILWOMAN QUILLMAN wished MAYOR SCHULTZ well and Happy Mother’s Day to all mothers.

COUNCILMAN SHETINA congratulated the Kiwanis Club on their shows over the weekend. He said he attended the show on Saturday and they had a decent crowd and it was a fun event. He noted that COUNCILWOMAN QUILLMAN was in the cast. He said he also contacted Ralph Sherman and told him that he enjoyed it very much.

COUNCILMAN SHETINA said Will-Joliet Bicentennial Park, Inc. donated \$53,800 for a dimming system over at the park and he would like to make sure that they are acknowledged.

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The City Manager stated that expenditure came to the Council probably about three months ago for approval and we made it clear that Bi-Park Inc. was going to cover the cost of adding the equipment. He said we could invite them to a Council meeting and acknowledge their donation.

COUNCILMAN UREMOVIC stated he would like to respond to COUNCILMAN GIARRANTE'S remark about voting no and punishing establishments. He said voting no requires voting your conscience, you have a commitment, you do your homework and you've looked over the issues. He said when he votes, he votes his conscience and that's why he voted no, and he takes offense when somebody else says he's doing it to punish somebody. He's said he's never been a rubber stamp in his twenty-five years on the Council and he never will be. He said he respects everyone else's vote, he's friends with everybody, but he votes his conscience and he will continue to do that and he thinks that's the important thing to do.

COUNCILWOMAN QUILLMAN said she would echo COUNCILMAN UREMOVIC'S comments and that she votes her conscience also.

COUNCILMAN GIARRANTE stated that on Wednesday, April 28th, he and Jim Trizna went out to Pheasant Landing and met with Amy Russell at her house regarding her concerns about the height of Route 59. He said she has a six foot fence in her backyard and when the construction trucks are traveling on the new portion of Route 59, she can see the entire truck, wheels and all, that is how much higher it is than her fence, and they can look right into her yard and into her house. He said a railing or fence is not going to be put up and the Russells are looking for some help. He said he brought this up before and the Mayor and this Council agreed to send letters, and he is asking the City Manager to write letters to Senator Linda Holmes and Representative Tom Cross to see if they can do something for these people, get some kind of a sound barrier or an extension of the six foot stockade fence they have to at least give them some privacy. He said Mr. Trizna met with the State when he saw how high the road was going to be and he couldn't do anything to get them to lower the road. He said it is absolutely ridiculous how high that road is and maybe they had no choice to build it that high, but there should have been some money allocated for some type of privacy fence.

Mr. Trizna stated that behind the Russell house is the highest point that Route 59 is being built in the City of Joliet section which essentially is about a quarter mile north of Black Road all the way to the DuPage River driving north past Jewel and Caton Farm Road. He said in most other areas it has gone up a foot to a foot and a half. He said he suggested to the residents there to push hard with their local representatives because they are the ones that would have to allocate additional funding, it's not a City of Joliet project, IDOT would have to put some funding aside if something is going to be done. He stated he also suggested that if they can't get a sound wall like is being built right now on I-55, another thought would be doing something similar to Houbolt Road by Cambridge Subdivision and College Park where a vertical retaining wall, sidewalk and an eight foot high fence was installed which gave them some more privacy and may be cheaper than a sound wall. He said those are the suggestions we had and hopefully IDOT will come through for them.

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COUNCILMAN GIARRANTE asked the City Manager to send a letter off and he will speak to the Homeowners Association to find out who that needs to be sent to.

COUNCILMAN GIARRANTE stated that he thinks everyone up here votes their conscience and everyone is entitled to their opinion. He said his opinion is that by voting no across the board for this you are punishing people like Samy's and Hero's West that are out in the middle of nowhere and not going to bother anybody by at least allowing them to apply for this. He said he would also like to wish everybody a Happy Mother's Day.

COUNCILWOMAN BARBER wished everyone a Happy Mother's Day and wished MAYOR SCHULTZ a speedy recovery.

MAYOR PRO-TEM BROPHY echoed COUNCILWOMAN BARBER'S comments.

MAYOR PRO-TEM BROPHY asked the City Manager to have staff look at a house in the 600 block of Plainfield Road with tires hanging from a tree in the parkway. He said he doesn't know if it's a statement or what but if we could ask them to at least hang them from their own tree and not a City tree.

MAYOR PRO-TEM BROPHY acknowledged the students from JCA in the audience.

ADJOURNMENT

COUNCILMAN GIARRANTE moved that the Council adjourn at 8:30 p.m..

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

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

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk

Recorded on Tape