

*Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of June, A.D. 2008*

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PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, June 16, 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 5 COUNCILMAN WARREN C. DORRIS, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN QUILLMAN and COUNCILMAN AT LARGE MICHAEL F. TURK.

ABSENT: DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

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 explained Council Memo #720-08 dealing with the Annexation of 5005 Theodore Street and .14 Acres on the North Side of Theodore Street, Classification to B-3 Zoning and an Amendment to the Annexation Agreement for Bronk's Corners to include these two parcels.

Attorney Frank Andreano was present on behalf of the petitioner.

The City Manager then explained Council Memo #731-08 dealing with a Special Use Permit to Allow a Truck Maintenance and Repair Facility in an Existing Structure Located at 23313 W. Eames Street.

Mr. Thomas Osterberger was present on behalf of the petition.

The City Manager then explained Council Memo #732-08 dealing with a Special Use Permit to Allow Construction of an Over-The-Road Semi-Truck Maintenance Facility at the Spencer Road Industrial Park located on the south side of Spender Road, west of Manhattan Road.

The City Manager said in addition to the conditions being recommended by the Zoning Board of Appeals and the Administration, the Will County Department of Highways is asking for a transportation impact study to be done to determine whether turn lanes will be required for Spencer Road and Briggs Street. He said if required by the County, the conditional approval would be for the developer to comply with that. He said there is also an issue regarding a letter from FEMA, and staff is recommending that the Recording Plat be approved tomorrow conditioned upon receipt of the letter from FEMA dealing with a small piece of floodplain that's on the property, and that the City Council authorize the Recording Plat to be recorded within one year of today or as soon as the letter from FEMA arrives. He said it will not be recorded without the FEMA letter being submitted and approved by City staff.

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Mr. Joseph Hammer of Ruettiger, Tonelli and Associates stated the FEMA letter is regarding a LOMAR (Letter of Map Revision) after construction. He said a CLOMAR (Conditional Letter of Map Revision) has been received already for the project. He said he hasn't had a chance to review the letter from Will County.

COUNCILMAN DORRIS said he has gotten quite a few inquiries about the traffic from the residents who live on Spencer Road. He asked Mr. Hammer if they have had an opportunity to meet with the residents to hear their concerns and try to address them.

Mr. Hammer stated some of the residents showed up at the Zoning Board of Appeals as well as the Plan Commission hearings. He said they have met with the Joliet Country Club at their Board meeting last week and reviewed the project. He said their client has no intention of using Spencer Road other than the entrance to their subdivision to Briggs Street. He said it is not to their advantage to go to the west as there is an at-grade crossing that's very difficult for truck traffic, not to mention the road is not built for trucks. He said the majority of his clients are to the east and their intent and need is to get to Route 80 directly and onto the highway system.

COUNCILMAN GIARRANTE asked the Corporation Counsel if we can ensure that no trucks will use that piece from this annexation to the west. He said he has gotten phone calls from people who were concerned about the truck traffic going west on Spencer Road.

The Corporation Counsel said we do have jurisdiction west of this location on Spencer Road, not all the way to Route 52 but enough jurisdiction where we'd be able to post signage. He said you have a narrow road with at least one water crossing and he doesn't know whether that would be constructed properly for trucks, so you'd have a safety basis to restrict truck traffic west of this proposed subdivision.

COUNCILWOMAN QUILLMAN said she was reading through the ZBA minutes and she also has a concern, not only for the Joliet Country Club, but you didn't say what their board's reaction was, and she asked Mr. Hammer if he wanted to comment on that.

Mr. Hammer said he wasn't present at that meeting.

COUNCILWOMAN QUILLMAN asked how did we leave it with them.

Mr. Hammer said it was an informational meeting.

COUNCILWOMAN QUILLMAN said they were still opposed to it, correct.

Mr. Hammer said to his knowledge, yes.

COUNCILWOMAN QUILLMAN said we just built these Country Club Villas and when the owner built those he was told it was going to be light industrial, so this is going to pose a problem with all of this extra traffic to people that have purchased homes there when they were originally told that this was going to be light industrial and not a lot of truck traffic. She asked him if he has met with those folks.

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Mr. Hammer said he doesn't believe there is anybody living in the townhomes yet.

COUNCILWOMAN QUILLMAN said she was talking about the developer.

Mr. Hammer said he has talked to the developer. He said their concern is the traffic at Briggs Street and Spencer Road.

COUNCILWOMAN QUILLMAN said it is very dangerous as it is right now and it is very well traveled and with all of these extra semi-trucks, she sees it as a problem.

COUNCILMAN GIARRANTE asked if the townhomes are west of this development.

Mr. Hammer said yes.

COUNCILMAN GIARRANTE said and they would be on the part of the street where trucks would be prohibited.

Mr. Hammer said that's correct, they're approximately 900 feet west of the intersection.

COUNCILMAN TURK said Spencer Road west of Briggs is not constructed for this size trucks, so would that in itself prohibit truck traffic.

The Corporation Counsel said yes, you would have a road which clearly was never designed or constructed for truck traffic so you'd have the ability to regulate it.

COUNCILMAN TURK asked if we could still put a sign up there.

The Corporation Counsel said yes.

COUNCILWOMAN QUILLMAN said but even saying that, they'll take it as a shortcut because she gets semis up Western Avenue all of the time and they are not allowed in residential, but they come up there.

The Corporation Counsel said he thinks on Western the trucks are confused and they go straight and sometimes can't make that right hand turn at Center Street and they don't really want to go west on Western Avenue but they end up there.

COUNCILWOMAN QUILLMAN said she doesn't think a sign is going to stop people when they want to go down there, they'd rather pay the ticket if they get caught.

Mr. Bill Schwab of 810 Diamond K Lane said he resides right next to the golf course off of Spencer Road and he is also involved in the Country Club Villas project with Don Smyczynski who is also here. He said their main concern is that there has been no legitimate traffic study done on this project and Spencer Road was never constructed west to accommodate it. He said it is only 22 feet wide. He said a turning radius for a semi-trailer takes 27 feet, so that means even when they're coming off of Route 80 on Briggs southbound to turn onto Spencer Road, they have to turn into oncoming traffic to turn right to get to that industrial park. He said coming out of the industrial park, they didn't even have the

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foresight to make their exit there, they made it at a 90 degree, and again they have to go into oncoming traffic.

Mr. Schwab continued that Country Club Villas is very concerned, as they do have homeowners and are building another sold-out building right now, so there will be residents there within the next ten weeks. He said they went out of their way to try to bring something to the east side; it is phenomenal. He said they have no problem with the industrial park the way it sits there right now, but what they are asking is to at least table this until there is a traffic study and something more done. He said there have been multiple fatalities at the corner of Spencer and Briggs. He said this road wasn't constructed for truck traffic and 40 to 50 trucks a day is a lot. He said they don't have a problem with this facility, but they are asking for some other type of way to dispose of the trucks. He said the gentleman who is developing this owns all of the property off of Briggs to the other side and he understands he would have to give up a lot to get an exit, but there are other alternatives. He said they are not asking you to dump this thing, they're just saying look at other alternatives. He said there are plenty of places in the City of Joliet for truck terminals. He said as far as the jobs go, they're not bringing in 100 new jobs, they're closing down their East Chicago terminal and bringing those people out here, so it's not like we're going to be employing anybody from the City of Joliet unless one of those people decide they're not going to come out here and work.

Mr. Henry Pillard of 1128 Spencer Road stated coming down here today they followed two semis and they both had to go over sidewalks by the old Institute of Laundry. He said this is a big concern to them and it's a dangerous curve that Briggs is on and you won't believe the traffic that is there at certain times. He said when you think of the growth that is going to happen 40 years from now, be proud of the decision you make for the safety and conveyance and so on.

Mr. Don Smyczynski, Country Club Villas developer, stated he echoes what Mr. Schwab said. He said they have a huge investment in there and their project is absolutely magnificent. He said his concern is the same as Mr. Pillard's, just take a ride on Briggs Street and you'll see there is no way a semi trailer is making that turn without swinging into oncoming traffic. He said putting a sign up is not going to solve the problem. He said he doesn't have any problem with that terminal going there, but dump it out into Briggs Street.

COUNCILMAN GIARRANTE asked the Corporation Counsel what is in there now.

The Corporation Counsel said you already have an industrial subdivision approved with Unit 1 already developed.

COUNCILMAN GIARRANTE asked if there were semis going in and out of there now.

The Corporation Counsel said he would imagine that's the kind of traffic you get with a light industrial facility, but he is not that familiar with this location.

The City Manager said he thinks it's undeveloped. He said it has I-1 zoning and was previously in the County with industrial zoning, so before the City annexed any territory along Spencer Road it had industrial zoning on it and when it was brought in in 2006 it came in with the same kind of zoning. He said the only reason it is before you today for a Special Use Permit is because of the Zoning

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Ordinance requirement that requires a Special Use Permit for a truck terminal, but you also have the resubdivision of this to consolidate six lots into three.

Attorney Mike Hansen said he was present on behalf of the Joliet Country Club to state their position, and after listening to everyone today, to clear up a lot of probable misconceptions about the Country Club's position about this particular project. He said he doesn't believe that he has ever personally contacted any of you with respect to this project. He said in fact as it was indicated earlier today, they invited the developer to come to their board meeting last Wednesday and Rodney Tonelli of Ruettiger, Tonelli came and gave an excellent presentation and was able to clear up a lot of misconceptions about exactly what the developer was doing and the importance of this project to the City of Joliet. He said he thinks he can properly state that the Country Club is not in opposition to this project, is definitely in favor of progress for the City of Joliet and recognizes the impact that this can bring to the City in the form of new jobs and economic development. He said they have checked out this developer and know it is a very reputable company wanting to come into the City and know the industrial park being developed by local citizens are doing the right thing.

Mr. Hansen said the screening and berming are adequate. He said it just comes down to the issue of safety, and that's the only issue in the mind of the Joliet Country Club. He said the Country Club represents 500 members and has been here for 100 years. He said one of the things the Country Club is concerned about down the road is where most of their members will be coming off Briggs Street and going on Spencer Road, especially if the CN railroad goes through down the street from the club when that entryway almost perhaps gets put in jeopardy with the increased amount of train traffic. He said a lot of things have been discussed today, the history of the project, and the use and the issue of Briggs Street that was mentioned earlier is a non-issue. He said the County Traffic Engineer has already said you can not come off Briggs Street so as far as they're concerned that is a dead issue and he thinks it should be for the City as well. He said the trucks are going to come off Spencer Road. He said they think all that they are looking at from the City's point of view is just to look at the situation of the trucks coming in and off Spencer Road and work with the County. He said he thinks a traffic study would seem to make sense so that the Council and City staff will know exactly what is going on here. He said they want to cooperate and make this work, and he believes there is a way that it can work for everybody.

COUNCILWOMAN QUILLMAN said according to the ZBA minutes Mr. Newton works for your office, is that correct?

Mr. Hansen said that's correct and COUNCILWOMAN QUILLMAN asked if he read the minutes.

Mr. Hansen said yes and at that particular point in time we didn't know all of the facts, we weren't aware of all of the situations, and since then the developer through Mr. Tonelli came to their board meeting and the board makes the decisions and turned a new leaf with respect to the project and what was going on. He said the only real issue right now is the safety with respect to the things that were mentioned here earlier today, the width of Spencer Road and what's going to happen at the intersection of Spencer and Briggs.

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COUNCILWOMAN QUILLMAN said because their concern is the truck traffic because they said originally it was promised it would be light industrial with no special uses.

Mr. Hansen said he doesn't think it's important today to go into the history.

COUNCILWOMAN QUILLMAN said well this is according to what your attorney said at the meeting.

Mr. Hansen said exactly, he doesn't think it's important here today to go into the history of the project, that's not an issue or their opinion.

COUNCILWOMAN QUILLMAN said so you're saying the Country Club is not opposed to this.

Mr. Hansen said the Country Club is not opposed to the project. He said they want the Council to consider how Spencer Road is configured right now and also to consider with the County the intersection of Spencer Road and Briggs Street and whether or not any improvements need to be made if this project is brought in.

Mr. Steve Jostak of 805 Diamond K Lane said you should keep in mind that Union School is a half mile east of Briggs Street and there is a lot of traffic that comes out of there in the morning and afternoon. He said a couple hundred yards off of Briggs Street is the Girl Scout Council which also brings in some traffic. He said that's their concern with the truck traffic and the children and their families, not so much the construction of the trucking company, but the safety and the exits onto Spencer Road.

COUNCILMAN GIARRANTE said he believes Mr. Hansen made a statement that ingress and egress off of Briggs Street would not be allowed and he asked if he understood him correctly.

Mr. Hansen said no, he didn't say anything about that. He said that he wants the Council to consider with the County the intersection of Briggs Street and Spencer Road.

COUNCILMAN GIARRANTE said he misunderstood, he thought someone said that the ingress off of Briggs Street would not be allowed.

Mr. Hansen said yes, he did say that. He said he thinks that's in the letter from the County.

COUNCILMAN GIARRANTE said he didn't see any letter.

The City Manager said the letter is from County Engineer Sheldon Latz and reads "No access to Briggs Street for the site will be allowed other than via Spencer Road". He said there was some movement initially to see if the developer would put a road that would extend from the terminal directly to Briggs without getting onto Spencer and that's been denied by the County.

COUNCILMAN DORRIS asked if that was denied before the traffic study was done.

The City Manager said there has been no traffic study done yet.

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COUNCILMAN DORRIS said that's what he was wondering, how can they make that decision before a traffic study.

The City Manager said he doesn't know what prompted that decision.

Mr. Hansen said there are certain rules and regulations concerning the County which prohibit the County from having ingress and egress off of Briggs Street so that's an issue. He said that's why the County is saying it can't happen. He said if that can't happen, it can't happen. He said we can make it work if the trucks go in and off of Spencer Road.

COUNCILMAN TURK asked Mr. Hansen if he is suggesting that the intersection of Spencer and Briggs be reconfigured to make it safer.

Mr. Hansen said it would appear to be. He said he thinks a traffic study would help to indicate that. He said he's not an expert in that area but he certainly knows something about that.

The City Manager then explained Council Memo #726-08 dealing with a Development Agreement with Bill Jacobs Joliet, LLC which would allow its Chevrolet/Cadillac dealership on West Jefferson Street to participate in the Economic Development Program for New and Used Car Dealers, and to receive a partial sales tax rebate for the next 10 years. He said the agreement requires the completion of construction of a \$2.6 million capital improvement project and obligates Bill Jacobs Joliet to operate the dealership within the City of Joliet for the next 15 years. He said they have agreed to demolish the former Tirapelli Ford dealership building which they own at 2000 W. Jefferson Street and pave/repair the parking lot on which they currently store their commercial vehicles.

COUNCILMAN TURK asked if after the old Tirapelli building is demolished, will that just be a surface lot and there will not be any other buildings on that lot.

Attorney John Gallo, present on behalf of Bill Jacobs Joliet, said there will be no other buildings on that lot; they are going to redo the parking lot and patch some of the bad areas and then seal coat it. He said they are going to put some dirt where the building is and plant grass seed.

COUNCILMAN DORRIS asked where the new showroom is going to be for the Cadillac line.

Mr. Gallo said it's going to be in front of the service area right now, it's just really going to be more of an addition to the existing building and the whole building is going to have a new facade with the new Cadillac and Chevrolet logos.

It was requested that this item be voted on today.

1. AN ORDINANCE Approving a Development Agreement with Bill Jacobs, LLC. was presented and read.
(Council Memo #726-08)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

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Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16129)

2. Update on Unity CDC and Request for Payment of
2008 Budget Allocation

COUNCILMAN DORRIS stated he has talked with the City Manager and has met with Unity CDC. He said when we decided to go down this road with our study and when we voted on it when former City Manager John Mezera was still here, he stated at that meeting that there had to be funding tied to it in the budget process, \$50,000 for three years. He said in order for this to move forward, we need to get that funding moved up if we can. He said he wants to ask if we find a source of revenue for that to happen this year and then also he wants to ask the Council to consider for the City Manager to look at this for Districts 4 and 5. He said he believes that in order for us to have an immediate impact, we have got to fund this CDC for at least 2 to 3 years. He said in the past we funded the Senior Services Center for \$200,000 and allowed them to do some things they needed to do and also the Spanish Center. He said it is his proposal that he would like to see brought before the Council that Districts 4 and 5 commit for the next 2 or 3 years \$50,000 out of each District's NIP to go towards the Unity CDC. He said he thinks the neighborhood has spoken and we think we have something and can make a tremendous impact.

COUNCILMAN DORRIS said as we continue to grow west toward Oswego and as we continue at the level on the southeast side, he thinks we have to really put some things in place so the CDC can beat the past which will be a big benefit to the City of Joliet. He said he is asking the City Council to look at this. He said he thinks he and COUNCILWOMAN BARBER are in agreement on \$50,000 a year out of their NIP, and it really probably should be more, but they still have a lot of projects that need to get done. He said he recognizes that COUNCILMAN SHETINA is not here, but since most of his District is brand new, he doesn't need that money and they may even ask him to donate some money to the CDC. He said we really need to consider doing this and he would like the City Manager to come back with a recommendation to the Council and then we can discuss it and vote it up or down but he wants it on record saying it's something we need to do. He said we've invested in it and we said we need to move forward and we need to make sure we get a fast head start on the east side of Joliet even during an economic downturn. He said he thinks now is the time to really put it together so that is the request that he and COUNCILWOMAN BARBER are making and would like to see it brought before the City Council.

COUNCILMAN GIARRANTE said the only thing he would add is that he would like to see what the monies would be used for because we do have some restraints on NIP monies.

The City Manager said we have received a budget from Unity CDC and their proposals, and what we'll do is we'll have them specify where they would earmark this money being spent if that's the poll of the Council.

Unity President Charles Jones said it won't be spent on salaries.

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COUNCILMAN GIARRANTE asked what will it be spent on.

Mr. Jones said they have renovations, rent, equipment and a lot of it is going to be in start-up. He said they'll be earning their own money in terms of grants and foundation donations. He said they had the funders out and took them on a tour of the east side and generated some excitement. He said they currently are entering into a contract with Empress Casino to do their diversity plan. He said they'll be sub-contracting with another firm to work with them to do that, so it will be those kinds of service projects too that they'll be picking up.

COUNCILMAN GIARRANTE said if we're going to commit \$100,000 a year he would like specifics.

COUNCILMAN DORRIS said he agrees. He said we should get a detailed breakdown turned into us on where every penny of that money will go and that's what we expect. He said they have accountants and auditors on their staff and we're going to hold them to that and he thinks they expected that.

Mr. Jones said they're familiar with restricted funds, any not-for-profit knows that you can't co-mingle funds, you have to spend it for what you said you were going to spend it for.

The City Manager said we'll bring it back to you consistent with the policy we have for the expenditure of riverboat gaming revenue.

COUNCILWOMAN QUILLMAN said she has been involved with this from the start but she has a question that has really been bothering her and as long as Mr. Jones is here today she will ask him. She said the CDC is new and there are so many people on your board and her question is you were advised by one of our planners to have someone go to Chicago because there was a 3 day seminar up there for CDC's and how to get started and what you need and it was a very informational seminar especially for somebody new starting up. She asked him why no one went up there. She said you have so many people on the board it's hard to believe that not one person could have made it.

Mr. Jones said we've been talking to CDC's from the very beginning and we have consultants who are familiar with CDC's so we're getting an awful lot of information. He said at that particular conference it was a scheduling problem for him because he works at the University and couldn't get away at that time. He said they do their research and are doing their homework. He said they have visited several CDC's, one of which was Bethel New Life.

COUNCILWOMAN QUILLMAN said it was a concern to her because it was brought to her attention and she just thought since the City was asking for someone to go up there and for you not to go or send someone, it just was bothersome to her.

Mr. Jones said when they get a CEO they will take advantage of whatever seminars are offered to gain more information. He said he just served on a panel that was sponsored by the Metropolitan Planning Council in Chicago and there were about 80 guests there and many of them were CDC's and they presented their Unity CDC to them and they were very excited about what we're doing. He said we're sort of on the cutting edge too with what's going on.

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COUNCILWOMAN QUILLMAN said she just feels they should get all the information they possibly can, that was her concern.

Mr. Jones said absolutely, he agrees with her.

The City Manager said they will bring this back to the next meeting.

The City Manager then explained Council Memo #734-08 dealing with a First Amendment to the Development Agreement with Joliet Shores LLC for the Bridge Street Town Center which increases the cost estimate for the construction of the I-55 and Route 59 interchange improvements from \$91 million to \$98.5 million, and commits the City to provide an additional \$7.5 million in funding.

The City Manager said their recommendation is for approval of the First Amendment and they would like for the Council to take action on this today, because Bridge Street is proceeding with the closing on all of the parcels of property, about 267 acres, and they've started that process today and they have to be finished by tomorrow. He said it is an important piece for their lenders.

3. AN ORDINANCE Approving a First Amendment to the Development Agreement with Joliet Shores LLC for the Bridge Street Town Center was presented and read.
(Council Memo #734-08)

COUNCILMAN DORRIS moved that said Ordinance be adopted.

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN GIARRANTE asked when will we find out where all this subsequent money is coming from.

The City Manager said he thinks that will happen over the next 6 months; it will take some time. He said obviously the State's capital bill is a big part of this and we are keeping an eye on that and he has been in constant contact with Senator Wilhelmi about the importance of this project and a couple of other projects looking for capital assistance. He said no one can really predict where that will go but they will certainly pursue that as the number one option. He said they will talk to other taxing districts to see if they might be able to help us since they will benefit tremendously from this project. He said really the sales tax is our last resort. He said this will not obligate any other portions of the City to pay off the bonds, it's still wholly self-sufficient so we are not committing ourselves to anything that we haven't already.

COUNCILMAN GIARRANTE said what he's read in the paper about some of these other malls slowing down, it's not deterring these people from moving forward with this.

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The City Manager said the article that was on the front page of Crain's Business two weeks ago regarding the delay in the construction of 4 other area shopping centers was very important for us. He said it obviously recognizes the economy being what it is, but it also indicates that we have allied ourselves with one of the strongest developers in the United States in that this project is going to go forward as planned. He said we have had a lot of conversations with the developers over the last two weeks and they remain fully committed to making this project happen. He said there are two key ingredients, one being the interchange, and we have a lot to do with that, but unfortunately there are a lot of moving parts to that which still have to be addressed and secondly, going after the leases of the high end retailers, and that's their strong point and they tell us that they are still out there doing well. He said at this point the economic slow down has not been a good thing but it has given them an opportunity to focus on some of the best retailers in the market that may not be going to other areas where those projects are on the back burner.

COUNCILMAN GIARRANTE asked if this means we actually have the OK on the design of the interchange.

The City Manager said the impact study has been approved, the design is still under review but it looks like we've made major progress. He said getting the impact study completed and getting the approval was a very big, positive step for us with our relationship with IDOT. He said the interchange itself, the design itself is still subject to engineering review by IDOT.

The Director of Public Works stated IDOT is still reviewing the geometrics of the design and actually the consultant who is currently working for O & S Holdings needs to provide a little bit more information. He said they may be working on a contract with each other right now to provide more information to IDOT before IDOT can approve this. He said it is making good progress but it still has a way to go.

(ORDINANCE NO. 16130)

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

The City Manager explained Council Memo #736-08 dealing with an Amendment to the Joliet Liquor Code Regarding the Issuance of Class I Liquor Licenses which would reduce the minimum size of City Center grocery stores eligible to be licensed from 10,000 sq. ft. to 2,000 sq. ft.. He said the proposed amendment came about as the result of a developer seeking to locate a 7-11 convenience store in the City Center.

COUNCILMAN GIARRANTE asked if there is still a limit of how many of these we can have.

The Corporation Counsel said we have a limit that was started in 2001 when Delray Grocery Store was developed. He said that is when the 10,000 sq. ft. rule came about. He said Delray Grocery Store on Cass Store is one license and there are four remaining Class "C" licenses that would be available in the City Center Special Service Area. He said originally the rule pertained to everything east of Raynor, so what this will do is keep the 10,000 sq. ft. rule for east of Raynor but create a different rule for the City Center Special Service Area to

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allow for convenience stores which cannot make the minimum square foot requirement, otherwise it would be a regular grocery store.

COUNCILMAN GIARRANTE asked if we can wait until the convenience store comes here before we pass this. He said he's concerned if we pass this and they decide not to come.

The Corporation Counsel said the Council is free to consider this whenever they like. He said there is one store in the City Center Special Service Area that would also be eligible, a grocery store on the north side of the downtown area that was constructed within the last year or two and that's 5,000 sq. ft. in size. He said the owner of that store has been inquiring about a license for a while. He said the Planning Director would really be in a position to give you the timing details of the 7-11 operation that is proposed for downtown. He said the owner of that facility is a local attorney who definitely is intending to proceed and he will get a franchise from 7-11.

The City Manager said there is also a part of this he would like to address. He said he asked the Corporation Counsel to add a minimum amount for the sale of alcohol and that would require that it be a minimum of 48 fluid ounces (four-pack) for beer or 700 milliliters for wine and other spirits in trying to avoid the sale of half pints and single cans of beer. He said this is so we don't have a situation where smaller volumes that are easily consumable right out the door would be allowed.

COUNCILMAN GIARRANTE asked how much is 700 ml of wine.

The Corporation Counsel said a bottle of wine is 750 ml so 700 ml seemed as a reasonable approximation of that amount because some wine bottles might be slightly under the 755 ml standard. He said if you were to buy a fifth of hard liquor, that's about what 750 ml would be.

COUNCILWOMAN BARBER asked if the grocery store at the north end would stay with beer or will they have alcohol also.

The Corporation Counsel said the owner could apply for either class of license. He said we have two types of package liquor licenses in this area. He said one would be for anything and the other would be for beer and wine only, so it would be up to the Mayor and Council to decide which license would be appropriate.

COUNCILMAN GIARRANTE said if that store comes, are they going to have to provide enough parking.

The Corporation Counsel said the parking requirements in the downtown are very minimal and for existing City Center buildings basically there is no off-street parking required. He said that's kind of what differentiates a Central Business District from the B-3 Business District.

The City Manager said it's similar to what you see in Chicago, there are a lot of convenience stores in the Chicago loop and a lot of foot traffic and that's probably what they're relying upon.

COUNCILMAN TURK asked how many square feet are we talking about for the 7-11.

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The Corporation Counsel said a total of about 2,000 sq. ft. He said in fact the ordinance is written to accommodate the convenience store footprint. He said he spoke with the proposed developer and asked him what was necessary for him to firm up his arrangement with 7-11 and that was the square footage.

COUNCILMAN TURK asked if that would include some other ones also.

The Corporation Counsel said it would include one other grocery store in the City Center that is approximately 5,000 sq. ft.

COUNCILMAN TURK asked if we would vote on each of them independently.

The Corporation Counsel said actually if you were to approve this today you would just change the ordinance and then the 7-11 and the other grocery store would have to apply in their own right and satisfy all of the requirements of the code and then you have an up or down decision as to either one of them. He said what we do today doesn't grant the license but it does set the stage. He said one thing that's new under our current regulations is we do not have a minimum container regulation at all for any package liquor store. He said he spoke with members of the Police Department who have recommended that we consider that and this would be a start in that direction. He said this application was also presented to the City Center Partnership a few months ago in connection with the grocery store on the north end of town and received their support as well. He said some of the people that have responsibility for downtown whether it be economic development or law enforcement are aware of these proposals.

COUNCILMAN GIARRANTE asked if this will grandfather any existing liquor sales, in other words would the minimum requirements then apply to any liquor stores we have in town.

The Corporation Counsel said no, for example there's one right across the street that would not be subject to that. He said the Council could always make that an across the board requirement but at this point it didn't seem to be necessary to accommodate the request that we have on hand, and so rather than step into that realm which is always available to the Council, it would be restricted just to the new City Center licenses.

MAYOR SCHULTZ asked if we had a motion.

COUNCILMAN GIARRANTE stated that COUNCILMAN SHETINA had asked if we could wait until tomorrow night to do this.

The City Manager explained the remaining items on the agenda.

COUNCILWOMAN QUILLMAN said just so there's no surprises tomorrow, and she hasn't gotten a chance to talk to her fellow Council folks, but she has discussed with MAYOR SCHULTZ and the City Manager about the increasing problem we're having in Joliet with people locking their dogs in cars while they're in the store and cracking the window just a little bit where it still is really hot in there and there's not enough air. She said yesterday it happened again at Jewel and she called the police and they said there is not much that they can do. She said we do have an ordinance for animal cruelty but she would like a more specific ordinance if people are leaving their dogs locked in the car on an extremely hot day that police are able to ticket them. She said we don't leave

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children in the car when it's hot like that and these two little dogs were in there just barking their heads off. She said she stayed with them until the owners came and then she let the police officer talk to them. She said she didn't want to wait until the July Council meeting because it's getting hot. She said she would hope that they would support her on this.

The City Manager said we'll check to see what the current ordinances say and see what may have been a problem as far as trying to do something about that in the moment. He said he is a little surprised that there is not an existing statute or ordinance.

The Corporation Counsel said he thought there was.

COUNCILWOMAN QUILLMAN said she thought there was too but a couple of years ago she was laughed at by one of the police officers and she never reported it and yesterday the police officer was very nice, but he said there is not much he can do, his hands are tied. She said she is a little confused on that and she thought if we had a more specific ordinance and no questions asked let's get the ticket written and go from there. She said she doesn't know how long you wait until you break the window to get the dogs or any animal out of there. She said that's another question that has to be addressed as well.

The City Manager said we'll follow up and try to have an answer for you by tomorrow. He said if an ordinance is needed we'll let you know and the Council can decide whether you'd like to proceed with one or refer it to a Committee, but he thinks what COUNCILWOMAN QUILLMAN is saying is there is an emergency here because of summer being here.

COUNCILMAN GIARRANTE asked if that would fall under the¹ Public Safety Committee.

COUNCILWOMAN QUILLMAN said she thought so but instead of waiting to go to Committee that'll be another two weeks and it's a problem because of the hot summer weather coming.

The Corporation Counsel said there has to be something under animal cruelty or animal endangerment.

The City Manager said if there is some miscommunication or misunderstanding as to what the State law or the City ordinance allows, we'll get that clarified with the Police Department and if there's a hole that needs to be filled with a better ordinance we'll have that for you.

COUNCILWOMAN QUILLMAN said she did go into Jewel to ask them to page the owner of the car and they refused.

COUNCILMAN GIARRANTE commented on a letter to the Herald News on abuse of handicapped parking spaces.

The Deputy City Manager stated the City does have a group of persons with disabilities called spotters and they work with the Joliet Police Department and look for this abuse. He said one of the concerns is people leaving shopping carts in handicap spaces and we are pretty sure that most of the violators are persons with disabilities because what happens is they wheel the shopping cart out to the handicap spot, unload it and then leave it there because it's difficult for them to

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put it away. He said that's how the carts are winding up there. He said we've been down this path before and if we could catch someone doing this it would be different, but you just see a cart there and who do you blame. He said you can blame the store for not moving it out.

COUNCILMAN GIARRANTE said but we still have the spotters doing their job.

The Deputy City Manager said yes, they are.

COUNCILMAN GIARRANTE moved that the Council adjourn at 4:50 p.m.

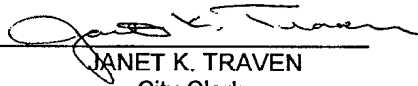
Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN,
COUNCILMAN TURK, COUNCILWOMAN BARBER, COUNCILMAN
DORRIS and MAYOR SCHULTZ.

NAYS: NONE.

ARTHUR SCHULTZ
Mayor



JANET K. TRAVEN
City Clerk

Recorded on Tape