

***Proceedings of the Council of the City of Joliet, Illinois
held on the 19th day of June, A.D. 2006***

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, June 19, 2006 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 COUNCILMAN AT LARGE THOMAS C. GIARRANTE, DISTRICT 4 COUNCILMAN ALEX LEDESMA, COUNCILWOMAN AT LARGE JAN QUILLMAN, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ABSENT: DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 5 COUNCILMAN WARREN C. DORRIS and COUNCILMAN AT LARGE MICHAEL F. TURK.

ALSO PRESENT: CITY MANAGER JOHN M. MEZERA and CORPORATION COUNSEL JEFFREY S. PLYMAN.

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

He first explained Council Memo #678-06 dealing with a Special Use Permit to Allow a Mobile Magnetic Resource Imaging (MRI) Trailer for Five Years at Silver Cross Hospital Located at 1200 Maple Road.

It was requested that this item be voted on today.

1. AN ORDINANCE Approving a Special Use Permit to Allow a Mobile Magnetic Resource Imaging (MRI) Trailer for 5 Years at Silver Cross Hospital Located at 1200 Maple Road as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) That the Special Use to allow the mobile MRI trailer expires within 5 years; and 2) Should the property be declared a public nuisance, it shall be subject to a rehearing and a possible revocation of the Special Use. (#2006-38/Dist. #4)
(Council Memo #678-06)

COUNCILMAN LEDESMA moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

AYES: COUNCILMEN GIARRANTE, LEDESMA, SHETINA, UREMOVIC and MAYOR SCHULTZ.

NAYS: NONE.

ABSTAIN: COUNCILWOMAN QUILLMAN.

(ORDINANCE NO. 15569)

The City Manager then explained Council Memo #679-06 dealing with a Variation of Use to Allow the Continuation of a Two-Unit Residence at 3-5 Wilson Avenue.

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The City Manager then explained Council Memo #687-06 dealing with the Acquisition of 301 Western Avenue.

Deputy Liquor Commissioner Dan Campus then explained Council Memo #740-06 dealing with the Issuance of a Class "B" Liquor License for Tuckaway Terrace at 2545 Plainfield Road. He said the application is necessary because the property has been annexed and the building is going to be torn down, but they have some banquet bookings until the first week of October and they would like to conclude that business and not leave anybody out.

Mr. Alan Hareld of 105 Lavidia Boulevard stated for the past 6 years he has served as spokesman for the residents of Crystal Lawns and Rosedale subdivision in matters regarding Tuckaway Tavern and Tuckaway Terrace. He stated he is here today expressing the concerns of their residents hoping to avoid even remotely the history of problems surrounding this establishment. He said he wants to be very clear that their residents do not have any objection to the issuance of a Class "B" liquor license. He said, however, it is his goal to insure that any false information or misrepresentation of fact be corrected thereby insuring that the City Council's decision on whether or not to issue this liquor license is based on fact and the compliance with the City of Joliet's Ordinances. He said he makes mention of this because the applicant has failed to provide information regarding fines and suspension of a liquor license issued by a government entity as required by their application to the City of Joliet. He passed out information regarding this and said he would answer any questions.

COUNCILMAN SHETINA asked if the place been closed since 2000 when these violations were issued.

Mr. Hareld said not that he is aware of.

COUNCILMAN SHETINA asked if there were any violations since then.

Mr. Hareld said not to his knowledge.

COUNCILMAN GIARRANTE asked if there have been any problems with them over the last five or six years since they went to a banquet hall.

Mr. Hareld said they have never had any problem with them in regards to permitted uses and regarding a liquor license. He said what they have had problems with is the outdoor noise and the beer garden and everything that transpires in the beer garden. He said that was the majority of their problems.

COUNCILMAN GIARRANTE asked as of how long ago.

Mr. Hareld said as of last night. He said he understands that there are approximately ten more events scheduled at Tuckaway Terrace and he believes that it is imperative that all parties involved completely understand what will and what will not be permitted if the Class "B" license is in fact issued, thereby eliminating any of the so called gray areas that we encountered with the County and their enforcement of the liquor license and permits. He said as recently as this past Friday night and again last night, Tuckaway hosted events that Mr. Brenczewski said were wedding receptions where patrons consumed alcohol on the outdoor patio while being entertained with pre-recorded music that was broadcast on an outdoor speaker system carrying well beyond the perimeter of their property. He said in order to host this type of event in the future, according

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to the Joliet Liquor Ordinance, a Class "O" permit would have to be issued in addition to the Class "B" license. He said as he reads the Joliet Liquor Ordinance and the conditions that need to be met for the issuance of a Class "O" permit, the applicant's outdoor patio fails to meet the 275' requirement from a residential zoning district and furthermore fails to meet the 500' requirement from a residential zoning district necessary to permit entertainment and electronically amplified music. He said as he sees it, the events held last Friday and again last night would be non-compliant with Joliet ordinances and their Class "B" liquor license. He said what's more important, he doesn't think the applicant understands that. He said these are issues that their residents need to see addressed so they can have piece of mind knowing that they will never have to live with the outdoor music again at Tuckaway as permitted and allowed in the City of Joliet. He said what he would like to hear today is that Mr. Brenzewski, here today on behalf of his father, understands that with the issuance of a Class "B" liquor license they will continue to host their parties strictly indoors and the use of the outdoor patio and music broadcast on the outdoor speakers would no longer be permitted. He said that's what he would like to convey to the residents so these things will not happen once they annex into the City of Joliet and are issued the Class "B" license.

COUNCILMAN GIARRANTE asked the Corporation Counsel if this interpretation is correct.

The Corporation Counsel said essentially it is correct. He said what's being considered by the Council today is a Class "B" license which only authorizes the sale and consumption of liquor indoors. He said a Class "O" permit is necessary to sell liquor out of doors at a Class "B" facility. He said that permit is not being issued by the Mayor. He said he doesn't know if an application has been filed for that. He said until such a permit is issued the outdoor sale and consumption of liquor at Tuckaway Terrace would be illegal under our ordinances.

COUNCILMAN GIARRANTE asked Mr. Brenzewski if that is understandable.

Mr. Brenzewski said yes.

MAYOR SCHULTZ asked him when they were going to tear the place down.

Mr. Brenzewski said the second week of October.

MAYOR SCHULTZ asked him how many events they have in the near future.

Mr. Brenzewski said he believes they have 10 weddings and about a half dozen other parties.

MAYOR SCHULTZ asked him if they were going to have a bar open every day.

Mr. Brenzewski said not necessarily.

Mr. Hareld said if in fact the residents do hear music from outside, and they are in fact utilizing the outdoor patio, what course of action is available to them and what do they do.

The Corporation Counsel said in this zoning classification outdoor music is not illegal. He said many businesses have outdoor entertainment or piped music out of doors. He said so if that were to occur here there would be no liquor code

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violation. He said what is illegal is the outdoor sale or consumption of alcohol but not the music itself.

Mr. Hareld said there has to be some sort of guideline under the zoning ordinance. He said he can't believe that any kind of a business establishment can go out there and blare music and say they are in compliance because it's a permitted zoning use. He said he would assume there has to be some sort of a buffer zone between a residential district and a business district to avoid this type of a scenario.

The Corporation Counsel said our ordinances prohibit disruptive music from a business to any other property whether it be residential or non-residential. He said that is the rule that Tuckaway Terrace would have to comply with -- that any of their outdoor operations not be disruptive to their residential neighbors. He said he doesn't want Mr. Hareld to misunderstand what Joliet's regulations are. He said businesses such as banquet facilities can have outdoor amplified music so long as it's not disruptive. He said in this particular case until there is a liquor permit issued for outdoor operations, which may never occur, there can be no consumption of liquor outdoors. He said to have an outdoor reception area that involved music or speakers but did not involve alcohol would be permitted up to the point where it becomes a nuisance.

Mr. Hareld asked how we establish a nuisance level.

The Corporation Counsel said that depends on a complaint being made and verified by a Joliet police officer that it's unreasonable. He said it is a somewhat subjective standard but that's what the law basically allows police departments to do.

It was requested that this item be voted on today.

2. Issuance of a Class "B" Liquor License at 2545 Plainfield Road
(Council Memo #740-06)

A communication from the Liquor Commissioner regarding the application of Kookie Jar, Inc. d/b/a Tuckaway Terrace for the issuance of a Class "B" Liquor License at 2545 Plainfield Road contained his recommendation that the issuance of this license is in the best interest of the City, and therefore, approval is recommended.

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

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMAN LEDESMA, COUNCILWOMAN QUILLMAN,
COUNCILMEN SHETINA, UREMOVIC, GIARRANTE and MAYOR
SCHULTZ.

NAYS: NONE.

Deputy Liquor Commissioner Jim Greenan then explained Council Memo #741-06 dealing with the Issuance of a Class "C-D" Liquor License at 561 E. Cass Street.

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COUNCILMAN SHETINA said asked if this is just indoor sales of packaged liquor.

The Deputy Liquor Commissioner said yes, and he is mostly going with the sale of beer. He said he will probably have some wine but beer is going to be his primary source.

COUNCILMAN SHETINA said so there will be no premise consumption anywhere, in or out.

The Deputy Liquor Commissioner said no, just package sales.

It was requested that this item be voted on today.

3. Issuance of a Class "C-D" Liquor License at 561 E. Cass Street
(Council Memo #741-06)

A communication from the Liquor Commissioner regarding the application of Joliet Fruit Market, Inc. d/b/a Joliet Fresh Market for the issuance of a Class "C-D" Liquor License at 561 E. Cass Street contained his recommendation that the issuance of this license is in the best interest of the City, and therefore, approval is recommended.

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

Motion seconded by COUNCILMAN LEDESMA.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, UREMOVIC, GIARRANTE, LEDESMA and MAYOR SCHULTZ.

NAYS: NONE.

Prior to her vote, COUNCILWOMAN QUILLMAN said she would vote aye with the recommendation of the Chief of Police that it be monitored for the first six months.

4. Citizens to be Heard

- a. Robert Webb re: Housing

Mr. Webb withdrew his request to speak.

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

He explained Council Memo #685-06 dealing with an Agreement with Will County for the Acquisition of Right-of-Way for the Caton Farm Road Improvement Project which includes reconstruction and widening between Drauden Road and County Line Road, and the reconfiguration and signalization of the intersection of Caton Farm Road and County Line Road. He said all of the right-of-way needed for the project has been acquired with the exception of three parcels located in Kendall County which is under the jurisdiction of the City. He said this agreement will transfer the City's eminent domain authority to the County so that condemnation proceedings can be filed in Kendall County.

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COUNCILMAN SHETINA asked if City staff has made any attempt to negotiate with the owners.

The Corporation Counsel said no. He said this is part of a pretty significant County project and they've hired an attorney that the City has used in the past to serve as a right-of-way negotiator. He said they have had contact with the three property owners, and two of them on the north side of Caton Farm Road are very much anti-growth and just refuse to discuss condemnation with anybody, especially people from Will County. He said there has just been a flat out refusal to negotiate or even consider any financial offers. He said they just couldn't get together on price with the third property owner. He said the County has had control of the whole project including the appraisals, the negotiations, and the engineering, and just for the sake of continuity it makes sense for them to continue with the 3 little parcels that they need just across County Line Road to complete the project. He said they have dealt with dozens of parcels on the east side of County Line Road. He said the City has had no role other than collecting developer contributions over the years to pay for the improvements.

COUNCILMAN SHETINA said pursuant to the meeting the City had recently with the Rialto Authority, he went and rode those elevators the other day in the Rialto II where they are talking about selling that building. He said if you're going to have any tenant retention whatsoever, it cannot exist under the current circumstances. He said apparently the elevators are working in concert and if one elevator doesn't catch, the other one doesn't go. He said one is really kind of bad, and the other one seems to be reasonable. He said he didn't know if they need to have 2 elevators or not and he thinks they need to look at that too. He said there are not that many tenants, so maybe they could get by with one.

COUNCILMAN SHETINA said he understands there are some monies that are sitting in an account somewhere that might help a little bit, but he would ask the City Council to come up with the money to fix the elevator and retain tenants. He said they lost \$100,000 worth of tenants the year before and that was because they wanted to build their own buildings, but now they are in danger of losing two more tenants who are renters that have no intention of going and building but are only looking for other space. He said if in fact those buildings are left without elevators, in the final analysis we're going to pay for it anyway. He said we're not going to let it die, so instead of waiting and waiting and letting this flounder, he would like to see us be proactive and meet with the Rialto Authority again. He said they're supposed to have numbers on what the costs are going to be specifically with respect to the elevators. He said he can not be here tomorrow night and that's why he's bringing it up now. He said he would ask that the Finance Committee look at this and talk to the Rialto people and find out what the exact costs are and act on it.

COUNCILMAN GIARRANTE said at the meeting they had a soft number to fix the elevators but it wasn't a hard number because they didn't put it out for bid. He said we need a hard number before any action is taken.

The City Manager advised there was a need to go into closed session to discuss personnel, labor negotiations and pending litigation.

COUNCILMAN GIARRANTE moved that the Council recess to closed session to discuss personnel, labor negotiations and pending litigation after which the meeting will be adjourned.

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Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, UREMOVIC, GIARRANTE, LEDESMA,
COUNCILWOMAN QUILLMAN and MAYOR SCHULTZ.

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk

Recorded on Tape