

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, July 16, 2007 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 2 COUNCILMAN TIMOTHY M. BROPHY, 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: DISTRICT 4 COUNCILWOMAN SUSIE A. BARBER and DISTRICT 5 COUNCILMAN WARREN C. DORRIS.

ALSO PRESENT: DEPUTY CITY MANAGER JAMES P. SHAPARD and CORPORATION COUNSEL JEFFREY S. PLYMAN.

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

COUNCILWOMAN BARBER arrived at the meeting at this point.

The Deputy City Manager first explained Council Memo #765-07 dealing with an Amendment to the Annexation Agreement for the Southwest Corner of Drauden and Caton Farm Road and the Annexation of 1.421 Acres at 17552 Drauden Road and Classification to B-1 zoning. He said this will allow the development of a neighborhood commercial shopping center including a CVS pharmacy. He said several neighborhood meetings were held and the development has negotiated a covenant with the church on the Brookside Subdivision corner to prohibit future commercial zoning. He said neighborhood concerns about the future land use of the church property at the northwest corner of Drauden and Caton Farm Roads are being resolved through an amended and restated annexation agreement including several covenants.

COUNCILMAN SHETINA said he wanted to make sure that the City of Joliet is able to enforce the covenants with respect to the portion of the 18 acres on the northwest corner of Drauden and Caton Farm Road. He asked the Corporation Counsel if that was agreed to.

The Corporation Counsel said he has received a copy of the drafts of the covenants and that was not originally proposed. He said the City did request that we be added as a party and he has been promised that he would receive a covenant to that effect. He said if this were to be approved by the City, the City would be in a position in the future to enforce the covenants on the church property.

COUNCILMAN SHETINA said the other question he had was with respect to policing of the property and that the City of Joliet not need to be called by the owners of the property, but they can go onto the property at any time and enforce the ordinances of the City of Joliet in regards to the parking lot and whatever else.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

The Corporation Counsel said we certainly have that right regardless. He said he thinks it's more of a policy that we respond to complaints, but certainly we would have the right to initiate our own observation and enforcement.

COUNCILMAN GIARRANTE asked if the police need to see a law being broken to go on private property like that, or do they just have the authority to do that.

The Corporation Counsel said the police can go into private property that is open to the public such as parking areas.

Ms. Sara Hickman, President of the Brookside Homeowners Association, said recently they have been in discussion with both Attorney Mike Hansen and the church's attorney to work out a set of covenants that is agreeable to Brookside, the church and G and S (developers). She said she just received the latest version which is version 3 and at this point she thinks it's almost agreeable to everyone. She said Brookside is agreeable to this version, the church as it stands is agreeable to this version and she said it is her understanding that G and S is as well.

COUNCILMAN SHETINA asked Ms. Hickman for a capsulization of what it says.

Ms. Hickman said it has some basic building covenants for the church property if they do choose to make it single-family so that the residences would be comparable to the Brookside homes. She said Brookside will pay \$100 to the church for this covenant and in addition there is also a clause in there where they will not object to the building of the church property as a church or single-family residences. She said the part that was just changed reads as follows: "The declarant and grantees do not intend that this declaration of restrictive covenants affects the City's powers with respect to zoning to the church parcel and notwithstanding the contents of this declaration of restrictive covenants, nothing herein shall be constructed to restrict the power of the City of Joliet with respect to zoning." She said that was added because the City at this time is not part of this particular covenant, and it allows you to change the zoning as you need.

The Corporation Counsel said he got the same e-mail right before the meeting and had a chance to look at it and he thinks the covenants were initiated because of the concerns of the Brookside Homeowners Association that if we grant this petition and rezone the southwest corner, that may make it easier for the northwest corner to be rezoned, and as you know the northwest corner has been zoned R-2 for almost 20 years. He said we've subdivided it and approved the development of a church on that property so it has residential zoning with a proposed church, so to allay the fears of the Brookside Homeowners Association, the developers of the property pending before you negotiated a restrictive covenant on the church site that the church site forever could only be used for church purposes or for single-family residential purposes. He said if the property is used for single-family residential purposes, the homes must conform to the Brookside covenants so they would blend right in.

COUNCILMAN SHETINA said so they would have to come to us for approval for that particular type of construction.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

The Corporation Counsel said yes, City approval would be needed. He said also there is a detention pond that buffers the north and west boundaries of the church property from the rest of the subdivision. He said there has been an agreement to berm and landscape that area as well, so you'll have additional buffering between the homes in Brookside and the church at the corner.

COUNCILMAN SHETINA asked if we pick up any liability as the result of the pond or anything with the property. He said that has to be insured by the church, not us.

The Corporation Counsel said the City picks up no responsibility whatsoever under this agreement; it's a third party agreement. He said he wants to clarify that it's the expectation of the Council that the City be party to the covenants with the right of enforcement. He said there is still some fine tuning he needs to do with the lawyers on it.

Later in the meeting, Attorney Mike Hansen came in and said he heard that the covenant matter was addressed and it may not have been addressed correctly at this point in time and he wants to clarify that. He said they are still working out the covenant issue with the church, the City, the homeowners association and ourselves and he can't give the Council a 100% answer right now. He said we will have a 100% answer by tomorrow but he doesn't want the Council to leave here tonight thinking that the City will be a party to the covenant. He said in all honesty, he doesn't know that that will be the case right now. He said it has been agreed to by ourselves, the developer, the homeowners association and the church but we have to clarify something with the church and it's very possible the City may not be a party to that covenant. He said it will be enforceable by the homeowners association and any individual resident who lives in that subdivision; that is a guarantee. He said he doesn't want to speak for the Corporation Counsel, but the City may not be able to agree to that.

The Corporation Counsel said we discussed that it was still an unresolved issue and we had to fine tune that. He said he received an e-mail that was sent to his office right before the meeting that acknowledged that the covenant did not interfere with the zoning ordinance and it was his sense that maybe more would be required, but we will follow up before tomorrow night.

The Deputy City Manager explained Council Memo #771-07 dealing with a Special Use Permit to Allow the Construction of a Basketball Complex in a Commercial Subdivision known as City's Edge Commercial Park. He said this item was tabled at the June 19, 2007 Council meeting to allow the adjacent neighborhood time to meet with the petitioner regarding the specifics of the proposal, however, the residents have subsequently decided that a direct meeting with the petitioner would have been more beneficial if they were actual residents of the City of Joliet. He said the Village of Channahon has approved a resolution requesting the incorporation of certain conditions to any approvals of the subject proposal, and these conditions have been incorporated where feasible.

Mr. Bill Leach of Premier Hoops was present on behalf of the petition.

COUNCILMAN BROPHY asked if the suggestions in the Council Memo were suggestions of the Channahon Village Board or our staff.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

The Director of Community and Economic Development stated most of those were developed by the staff. He said Channahon added two or three conditions that we did incorporate into that group that we already had generated. He said he and Planner Kendall Jackson met with the administrators from Channahon to talk about all of this and subsequent to their meeting, they sent back the additions that we incorporated.

COUNCILMAN UREMOVIC said at the previous meeting where we discussed this about a month ago, he had asked staff for the original Preliminary PUD so we could find out what it was proposed for back then, and he hasn't gotten a copy of that yet.

The Director of Community and Economic Development said you approved the commercial subdivision.

COUNCILMAN UREMOVIC said what kind of commercial.

The Director of Community and Economic Development said it is zoned B-3 General Business, which includes a whole lot of things, like anything you would find out on Jefferson Street.

COUNCILMAN UREMOVIC asked for a copy so they could see it.

MAYOR SCHULTZ asked if anyone would like to speak on this matter.

Ms. Jean Hansen said she lives about three blocks from the complex and it came to them as a surprise because it's listed as the City's Edge Business Park and they thought businesses would be permitted in there. She said you've put in one very nice facility in there that is very quiet and amenable to the living accommodations of those residents that live in that area. She said she thinks this basketball complex is a nice idea, but a nice idea somewhere else. She said it is designated as a city business park. She said business to them means you're going to conduct some day to day 8 a.m. to 5 p.m. operation for a regular business. She said this basketball complex sounds nice but she hasn't seen the business plan, the financing plan, the fencing plan, or the lighting plan, and apparently you have all this information and we have none of it. She said she has some petitions against this signed by people in the neighborhood. She said you really put us in serious jeopardy. She said she is up in years and her neighbors are up in years and they really can't afford to have interruption in the neighborhood. She then asked what kind of police protection are you going to afford us. She asked what happens when there is an accident in that park since it is private property and she asked what kind of reaction time are they going to have with the policing issue as well as the safety issue. She said she would like the City to table this until we are afforded the opportunity to find out what covenants you've really put on this business because we have to live with it.

COUNCILWOMAN QUILLMAN said she would like to address those concerns. She said at the last City Council meeting she did ask staff to conduct a meeting with all the neighbors to go over everything to make sure you were satisfied, and this Council obliged and we did table it a couple of weeks ago.

The Director of Community and Economic Development said Planner Kendall Jackson has been the point person on this. He said they met with the Village of Channahon officials and the next step was to meet with the homeowners. He said the homeowner's spokesperson indicated to us that they did not want to

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

have a meeting and they were going to come and simply oppose this, so they declined having a meeting with the petitioners to work this out in greater detail.

COUNCILWOMAN QUILLMAN said so we did offer that but she knows Mr. Bill Fleming would like to address that as well.

Mr. Bill Fleming said he talked to Channahon Mayor Joe Cook about getting a public meeting together and he said he felt that he would handle that. He said he didn't have the facilities or the capacity to set that up so they left that up to Mr. Cook and he didn't think that that was going to be necessary. He said he felt he could work this out with the City of Joliet. He said they were a little bit surprised when they saw the resolution come out from Channahon because it did address some of their concerns, but they didn't even know that they were proposing it. He said regardless of what Channahon said about it, neighbors are still opposed to it. He said when this development was first put in we were assured by the owner that he was going to be a good neighbor and what is there right now is a good neighbor, but we don't feel that this facility or use is going to be good for our neighborhood because of the traffic, the hours of operation and the security concerns we have. He said regardless of what Channahon said, we were a little bit disappointed that they didn't come out and say we oppose this. He said he knows they have a relationship with the City of Joliet that they would like to protect, but still the residents of the neighborhood don't feel it's in their best interest. He said he has 165 names on his petition in opposition.

COUNCILMAN SHETINA said we had Plan Commission meetings and they were open to the public and people within 300 ft. were notified. He asked what is required of somebody under the B-3 zoning classification to tell you what they're going to put in their building. He stated we said no liquor in there, but what is required of the City to do other than that.

The Corporation Counsel said many uses are permitted automatically under our zoning ordinance. He said in some cities if a petitioner proposes a recreational facility it would automatically be allowed in a B-3 zoning district and there would not be a Council level review. He said we have tighter regulations than some other cities and we provide for a Special Use Permit process to occur. He said, generally speaking, there would be very little in terms of security regulation, lighting regulation and hours of operation regulations. He said for most businesses in Joliet we can't tell them when to open and when to close, what security to have and how the lighting is to operate within their parking lot, but in this particular case because the Zoning Ordinance allows for conditional approval of this type of use through a Special Use Permit process, that gives us an opportunity to examine this specific location, both in its own right and as it is situated next to its neighbors along Route 6, and to try to come up with a list of regulations and conditions that would permit the facility to operate successfully and protect adjacent property uses. He said that gives the City and the Council an opportunity to regulate the hours of operation, the service of liquor, parking lot security, lighting and all of those things. He said normally you don't have this level of scrutiny, but with a Special Use Permit process you do and under our ordinance this facility requires a Special Use Permit.

COUNCILMAN GIARRANTE asked Mr. Fleming if there is some other restriction that he would like that is not in these restrictions.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

Mr. Fleming said it's not so much what's restricted, it's going to be the use and the way it's going to impact our neighborhood. He said we were told this was going to be a neighborhood friendly development when it went in. He said the two buildings that are there now are good neighbors. He said with the facility that is being proposed, and the hours of operation and the fact that they are going to have tournaments that are going to generate a large numbers of people, those are concerns. He said 7 a.m. until 10 p.m. is pretty late and they have concerns with the security and the fact that they haven't seen a lot of police out there in the last 17 years. He said they understand that they made notification to people within 300 ft. which was a handful of people and a lot of them didn't see it, and posting a sign in a cul-de-sac that nobody goes down to didn't give them an opportunity to be involved at the planning level. He said this is going to be a great facility but in a different location, maybe next to the sports bar on Houbolt Road right next to the three hotels that are never at capacity, but adjacent to a nice, quiet, residential neighborhood is not the best place for it in their opinion.

COUNCILMAN GIARRANTE said Ms. Hansen brought up the point about being private property and are our police going to have accessibility. He said he thinks we answered that on the previous zoning matter when the Corporation Counsel said we do have the right to go on private property.

Ms. Hansen said she thinks this whole thing is a little bit of a failure to communicate. She asked that this be tabled so they could have a meeting and discuss more about the fencing and this ordinance. She stated you said no liquor can be served, but you can't tell me there won't be any liquor on that site. She asked what kind of restrictions do we have at the gate and that is what she's concerned about. She said if they are going to have tournaments that presents a big problem. She said they have 3 beautiful parks and that's where they're going to park and sit. She said they would like a little bit more information.

COUNCILMAN GIARRANTE said two weeks ago we tabled this to meet with the neighbors and the neighbors refused and now you're asking us to table it again.

Ms. Hansen said none of them knew about the neighborhood meeting.

Mr. Fleming said we didn't refuse to meet. He said he talked to Kendall Jackson several times and to Mayor Cook because he didn't have a facility that would accommodate a public meeting like that, and Kendall had been telling him that it was up to him to set it up and he was relying on Mayor Cook to set it up since it's his community, so he guesses there was a lack of communication. He said he's not quite sure it was his responsibility to act on the City of Joliet's behalf to notify all of the neighbors. He said he tried to work with Mayor Cook to get something accomplished, but that did not happen.

COUNCILMAN BROPHY said the Village Board voted unanimously. He asked Mr. Fleming if he spoke at their meetings and if the Village got their petitions.

Mr. Fleming said he didn't even know they were having a meeting on it. He said the first he knew about the Resolution was when Kendall Jackson sent it to him, so this has been a huge communication failure on many different fronts.

COUNCILMAN BROPHY said he's entitled to his opinion on it and he wants to know if his Village Board had that information or not, because it's a unanimous vote in favor basically with conditions.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

COUNCILMAN SHETINA said he was at the Plan Commission meeting and if you get a notice out to somebody, people in the neighborhood know it. He asked if he would support it if in fact there was a general meeting and the conditions were met that you're asking for.

Mr. Fleming said he would still have concerns about the hours of operation and the tournaments.

COUNCILMAN SHETINA said so you really wouldn't support it no matter what under those circumstances. He said you won't support the activity that's going to take place there.

Mr. Fleming said maybe if they had some limits on the number of people; 137 cars is a lot of cars to be exiting through there.

COUNCILMAN SHETINA asked how many square feet are in the building and he was told 23,300 sq. ft.

Mr. Fleming said if it was a smaller facility or the fact that they weren't allowing the walk-ons to come and play and if there was a little more structure to it and they would have to get a special permit every time they wanted to have a tournament, that would be a lot better. He said he thinks it is a great facility and he thinks there is just a better place for it in the City of Joliet than adjacent to this residential neighborhood.

COUNCILMAN SHETINA said so you wouldn't support it no matter what happens.

Mr. Fleming said he probably would if it was more friendly to the neighborhood and he said he might even use it.

Ms. Carin Wilson said she moved there a year ago and after seeing the June 19th and 20th newspaper articles, she called the City Manager's office to see when they were going to have the meeting with the neighborhood because that's what they mentioned. She said they sent her to Kendall Jackson's office and she left her name and number for someone to call her and they called her Friday afternoon and they let her know it was going to be today at 3:30 p.m. She said she knows this is business and it would be a wonderful place but right there is peaceful. She said nobody wants it there, and no one has made the effort to talk to us.

COUNCILMAN SHETINA asked if they had a homeowners association.

Ms. Wilson said no, it's a 46 year old subdivision so there is not one.

COUNCILMAN GIARRANTE said he doesn't mean to speak for Kendall Jackson, but it is very possible that Kendall talked to Mr. Fleming and they said they didn't want a meeting and when you called about a meeting he maybe thought you were referring to this one and not a neighborhood meeting. He said that is very possible because he doesn't think Kendall would steer you in the wrong direction.

MAYOR SCHULTZ asked who we would contact if we did set up a meeting.

Ms. Wilson said you can call me; I'll have it in my backyard if I have to.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

COUNCILWOMAN QUILLMAN asked her if she would notify all the neighbors.

Ms. Wilson said she would do the best she could; she walked the neighborhood three times Saturday.

COUNCILMAN GIARRANTE said he thinks the bottom line is even if you did have a meeting, he thinks the results would be the same and he thinks the neighbors would be against it because he had asked the question earlier are there any restrictions that are not in here that you would like and you said that's not the point, it's the facility not necessarily the restrictions.

Ms. Wilson said she thinks a business park is more 8 a.m. to 5 p.m. and then it is cleared out and quiet in their neighborhood, and they don't have cars coming through the neighborhood at night. She said she thinks there are so many other wonderful places that you could look at if you don't care about the neighborhood.

Mr. Bill Leach said he would like to speak on behalf of his company. He said he is sorry to the people of Channahon for the inconvenience. He said they were trying to follow the guidelines of Joliet because the business is going to be operating in Joliet. He said even with these restrictions or requests that came in at the last second, obviously we weren't in agreement with it, but to try to be a good business within the community we are willing to try to be flexible and to try and reach the demands so that the hard basketball players can come out and participate. He said he lives in a small development in Plainfield where there are 30 homes so he appreciates that they don't want to lose their small town community, but with that, he doesn't think they are being fair to a certain point. He said this place is on the outside of your subdivision and he went and took a look at the entire area and there is a community park, a couple of softball fields with lights with no fencing and parks directly behind homes. He said his only request is to just give us a chance. He said they are going to come in and this is going to be a great, great facility for the entire community. He said your kids and grandkids are going to come over here and say this place is awesome. He said if you don't give us a chance you might be missing out on something.

COUNCILMAN UREMOVIC asked Mr. Leach if they searched the whole City for other locations and what would be your second and third choices.

Mr. Leach said we did look around the City and this particular location was appealing to us because it was in an industrial area and near industrial sites which was cost effective for us and so we thought this would be a great location. He said it is a quiet piece of land and we appreciate that. He said from our price structure and the types of programs we are going to be offering we do not anticipate any commotion. He said to be quite frank, the people that are going to be coming to our location will have to have a job. He said we aren't offering for someone to pay \$2 and come and play basketball until midnight.

COUNCILMAN UREMOVIC asked if our staff offered other locations or encouraged you to look at other locations that would be cost effective.

Mr. Leach said no, we came in with the original idea. He said we had one other location that was down the street that was a warehouse but the owners didn't seem too interested in what we were trying to do, so we started another search and found this location, brought it to the City and started from there. He said we've tried to accommodate everything that they've asked us to do. He said we

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

did go in on day one and ask if we could have a liquor license and they said absolutely not and we haven't brought it up since. He said nine months out of the year it won't even open until 3 p.m. He said we wanted to stay open until 11 p.m. but Channahon has asked us to close down at 10 p.m. and we can do that. He said it's going to be our goal to make sure that we are in and out with no commotion.

COUNCILMAN SHETINA said with respect to the Special Use Permit and the condition that should the property become a public nuisance it will be subject to rehearing and a possible revocation of the Special Use Permit, is there a time certain on that. He asked if they came in and in 3 months they were raising all kinds of hell can you invoke that at that point in time.

The Corporation Counsel said this can be implemented whenever a nuisance becomes apparent and can be implemented as many times as the nuisance becomes apparent.

COUNCILMAN SHETINA asked what constitutes a nuisance.

The Corporation Counsel said if there is any type of disruption in the neighborhood that's attributable to the operation of this facility, then under the terms of the ordinance that the staff is recommending, you can hold a hearing and based upon the outcome of that hearing the Council can revoke the zoning.

COUNCILMAN BROPHY said we have some precedence on that with regards to the establishment on Jefferson Street which had its patrons causing noise out in the parking lot and they claimed they weren't responsible, but in fact we did hold them responsible for that because they were disturbing residential neighbors next door.

The Corporation Counsel said yes we do have very clear precedence and there you had neighborhood disruption and the City was able to terminate that use.

Mr. Ron Bean, a Channahon resident, said his concerns are the site right now is an industrial park and they have buildings in there with doors for tractor trailers to pull in. He said throwing a recreational facility into an industrial area is not a safe maneuver. He said he has driven tractor trailers and having to get around small business or industrial parks is tough and having to compete with the cars in a tight space makes it even more difficult. He said you could also have buses competing with cars and tractor trailers as well. He said he doesn't think it's a wise move to put recreation in with industry; another site or location would work better.

Mr. Al Wood said he has been out there since 1960 and was the homeowners association president until it disbanded. He said if this is such a good thing why are they putting it in the furthest part of Joliet where there's hardly any accessibility for all of the other residents to go to; why can't they centralize it. He said they did the same thing with Splash Station and nobody goes there. He asked if B-3 zoning allows sports bars.

The Corporation Counsel said B-3 zoning would allow a sports bar but there would have to be approval of the liquor license by the Mayor and the full City Council.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

Mr. Wood said he loves this subdivision and he has a park there named for him. He said he can't see it and thinks it should be put someplace else.

COUNCILMAN SHETINA asked Mr. Leach what the intended age groups are that he would be catering to. He asked if there would be buses of grade school kids coming in like the buses that go to Rialto.

Mr. Leach said the targeted demographic would be 18 to 34 but if you can pick up a basketball and dribble it we want you inside of our place - boys, girls, men and women. He said we can also run tournaments for people with disabilities.

Ms. Wilson asked Mr. Leach if they would consider putting this somewhere else in Joliet. She said it sounds like it would be fantastic, but somewhere else closer to where people could get to it easier.

Mr. Leach said if he chose another location who is to say that he is not going to have the same resistance or potential same resistance. He said he would just be hopping around and he doesn't think it's fair, especially when he hasn't been given a chance to prove what the capabilities of his business are. He said he is not so certain this is going to take away from their quiet neighborhood.

Mr. Bean asked if there is some kind of tax incentive that the board could extend to this group and let them purchase some Joliet property rather than depending upon a private owner. He said with the property Joliet has it could be centralized to where there would be more of the age group and because of the location that they're choosing the demographics in that area is considerably older, and you don't have a lot of kids running around. He said with all the redevelopment Joliet is pushing for downtown in trying to revitalize that area, maybe there is some other area that you could extend to them and give them a break and help them out.

The Deputy City Manager then explained Council Memo #772-07 dealing with the Vacation of a 20' Wide Ingress and Egress Easement and a 10' Wide Landscape Easement for Lots 2 and 4 in Menard's Joliet Subdivision.

COUNCILMAN SHETINA asked if the landscaping requirements remain the same under this particular request.

Planner Jim Torri said they're going to revise some of the existing landscaping out there that has been overgrown a little bit. He said there are two landscape plans that are in the packet, one that Menard's is going to maintain and the other the petitioner.

COUNCILMAN BROPHY asked how true are we going to hold to these drawings. He said he's concerned about the backside.

Mr. Torri said this is what we're expecting.

COUNCILMAN BROPHY said there will be glass panels on either side of the doors and glass doors in the back.

Mr. Wendell Holland of Joliet Development Partners said those aren't glass doors, they're made out of a material which gives the appearance of a window, but in actuality it's a false window. He said essentially the idea because of the way the building is positioned was to make the back appear to be a finished

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

elevation so that's what we tried to accomplish. He said we worked diligently with the City to do that and what you have before you is what we intend to build on all four sides.

COUNCILMAN BROPHY said this will be facing Applebee's.

Mr. Holland said yes.

COUNCILMAN BROPHY asked what the depth is on the canopies.

Mr. Holland said the depth of the bays are 62 ft. He said the canopies would appear on all four elevations including the east elevation.

COUNCILMAN BROPHY asked if the north elevation is false windows as well.

Mr. Torri said half and half on that one.

COUNCILMAN BROPHY said with that kind of frontage on Jefferson Street why wouldn't you recommend that you upgrade that to some useable space with real windows.

Mr. Torri said the front part where you see the actual canopy on the covered walkway with the grills is a true window.

COUNCILMAN BROPHY said you'll lose a bunch of frontage there on Jefferson Street.

Mr. Holland said the rear portion of that space is likely to be stock room or kitchen so they don't really want to expose that to the motorists.

COUNCILMAN BROPHY said he thinks having that right up front on Jefferson Street is an opportunity missed; there will be a huge traffic count looking at dead space.

Mr. Holland said all store fronts are going to face what will be the main entrance to a pretty significant generator with Menard's and Wal-Mart.

It was requested that these items be voted on today.

1. AN ORDINANCE Approving the Vacation of a 20' Wide Ingress and Egress Easement and a 10' Wide Landscape Easement for Lots 2 and 4 in Menard's Joliet Subdivision as recommended by the Plan Commission was presented and read. (#V-7-07/Dist. #3)
(Council Memo #772-07)
(ORDINANCE NO. 15891)
2. A RESOLUTION Accepting the Dedication of a 10' Wide Landscape Easement Located at 2410 W. Jefferson Street was presented and read.
(Council Memo #772-07)
(RESOLUTION NO. 5938)

COUNCILMAN SHETINA moved that said Ordinance and Resolution be adopted.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

Deputy Liquor Commissioner Jim Greenan then explained Council Memo #838-07 dealing with the denial of an application by Filemon Ortiz d/b/a La Esquina Michoacana for a Class "I" Liquor License at 200 E. Cass Street.

Mr. Greenan said this request has been denied by the Liquor Commissioner because of the closeness of Joliet Township High School a block away and the excessive amount of service calls by the Police Department. He said the Police Chief feels the calls now without a liquor license would increase immensely with a liquor license.

It was requested that this item be voted on today.

3. A RESOLUTION Adopting the Findings and Concurring in the Recommendation of the Liquor Commissioner and Directing the Denial of the Application of Filemon Ortiz d/b/a La Esquina Michoacana for the Issuance of a Class "I" Liquor License at 200 E. Cass Street was presented and read.
(Council Memo #838-07)

COUNCILMAN GIARRANTE moved that said Resolution be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 5939)

The Deputy City Manager explained Council Memo #766-07 dealing with Amendments to the Annexation Agreements for Vacant Property Located East of Route 53 and North of Breen Road and the Reclassification to I-1 Zoning.

Attorney Mike Martin was present on behalf of the petition.

Superintendent Paul Swanstrom of Joliet Township High School said he appreciates the opportunity to speak in support of this request for the change in zoning. He said he also wanted to express the District's appreciation to the Council for the development of the Southside Comprehensive Plan and for the commitment to help us. He said as you know we're extremely dependent on property tax revenues and bringing in commercial and industrial development helps all of the school districts without putting on the additional load that comes from residential.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

The Deputy City Manager explained Council Memo #782-07 dealing with a Variation of Use to Allow the Continuation of an Existing Two-Unit at 1520 Nicholson Street.

Ms. Rosalie D'Andrea was present on behalf of the petition.

It was requested that this item be voted on today.

4. AN ORDINANCE Approving a Variation of Use to Allow the Continuation of an Existing Two-Unit in an R-2 District located at 1520 Nicholson Street as recommended by the Zoning Board of Appeals and subject to the following conditions was presented and read: 1) That all violations identified by inspection be corrected; 2) That the structure not be expanded in the future; and 3) Should the property be declared a public nuisance, it shall be subject to rehearing and possible revocation of the Variation of Use. (#2007-45/Dist. #4)
(Council Memo #782-07)

COUNCILMAN UREMOVIC moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 15892)

The Deputy City Manager explained Council Memo #767-07 dealing with an Amendment to the Annexation Agreement for Millennium Square Subdivision located at the Northwest Corner of Kellogg Street and Plainfield Road, and a Special Use Permit to Allow an Auto Service Facility (Firestone) at this location.

Mr. Derek Brenczewski was present on behalf of the petition.

COUNCILMAN GIARRANTE said this is just to allow it and they'll come back with the plans.

The Corporation Counsel said yes, they'll have to come back with construction plans for the building. He said this will just allow them to proceed with the potential buyer of the site knowing that this use would be allowed only on lot 5, not the balance.

COUNCILWOMAN QUILLMAN asked the Deputy City Manager if he said the Plan Commission approved this.

The Deputy City Manager said yes.

COUNCILWOMAN QUILLMAN said according to her notes it was a 3 to 3 tied vote, 3 for and 3 against with no recommendation.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

The Deputy City Manager agreed and said there was a tie vote and there was a non-recommendation by the Plan Commission.

The Corporation Counsel said the Special Use Permit went to the Zoning Board and that was approved.

COUNCILWOMAN QUILLMAN said when we originally annexed this it was supposed to be high-end businesses and restaurants and now the whole game plan has changed. She asked if all the neighbors have been notified of this change.

Mr. Derek Brenczewski said originally it was high end and it still remains that way. He said when we had appeared before you probably 6 to 8 months ago there were a couple of other permitted users that were less desirable that we have opted to not move forward with and to basically keep the integrity of our Square. He said what you see in front of you are 4 small out lots and we still have our 4 largest lots available that we intend to reserve for some of the high-end users. He said as you can see in the strip mall that we'll be building, we have gotten FedEx, Kinko's, Starbucks, Chipotle Mexican Grill and are currently working with the Patio restaurant for the east corner by Kellogg Street. He said there has been a major interest expressed by TGI Fridays to come out of the mall and do a stand alone right there. He said so we are still on track to do that, but Firestone was right there at the beginning and we've been working with them for over a year now and we just feel obligated to them. He said they'd leave the site where they're located now on Larkin Avenue across from Joliet Catholic and as you all know, that is nothing compared to the facility that they'll be building here on Route 30. He said in fact their representative who was here at that meeting said that this actual facility is 10% higher than any other facility that they have built in the nation as far as costs go, so this is the Taj Mahal that they're building here for us.

COUNCILWOMAN QUILLMAN said there are a couple of tire stores right up the street, so why do we need another one.

Mr. Brenczewski said Discount Tire is right up the street. He said it's not the fact that we need one there, it's the fact that there are now five lanes and Route 30 is a major thoroughfare. He said whether it's tires or a restaurant, everybody wants to be there right now. He said Firestone saw that and they committed to us early and that's why we're sticking with them.

COUNCILWOMAN QUILLMAN said if you knew all along that you had a deal with them why weren't we informed of that, because when we approved this we said there would be limited and prohibited uses including auto repair and muffler shops.

Mr. Brenczewski said Firestone came in shortly after the public meeting we held with the neighbors and that was just a covenant we actually placed on ourselves; that never even came from the neighbors. He said shortly after that public meeting we sent out notification again to make the public aware of what Firestone was proposing here. He said so we did know when we held the public meeting with the neighbors and they weren't on board yet, but shortly after they were.

COUNCILWOMAN QUILLMAN said but still that area there has had a history of noise problems and she asked how is this going to have any less noise.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

Mr. Brenczewski said that was a question that was addressed by the architect and builder of this Firestone and it was brought to everybody's attention that none of the business operation would happen until all of the doors are closed. He said the product that they are using as far as the glass is sound protective and there were no objections when we went in front of the Zoning Board and Plan Commission.

COUNCILWOMAN QUILLMAN asked the Corporation Counsel if this becomes a noise issue again what's our recourse. She said if it's a hot, hot day and they want the doors open, then you've got noise. She said she can't believe a tire place is going to leave their doors shut constantly because when you go look at these other places they are always open.

The Corporation Counsel said when a property owner violates a Special Use Permit the zoning can be revoked by the City Council if the property owner does not run the property responsibly. He said in this case you've also got an annexation agreement which is a contract that we can take to court and enforce. He said the legal mechanisms are there and it becomes an enforcement issue.

COUNCILWOMAN QUILLMAN said the original annexation agreement did not agree to any tire stores.

The Corporation Counsel said he recalls being at the meeting where that condition was discussed and it really frankly did focus on a muffler shop and not on the sale of tires. He said he wrote the original condition and he did write it as an automotive repair facility, but the actual specific concern that staff had, and again it wasn't a property owner concern so much as a staff concern, had to do with muffler shops because you have noisy vehicles to begin with.

COUNCILWOMAN QUILLMAN asked if they will be fixing brakes.

Mr. Brenczewski said yes and COUNCILWOMAN QUILLMAN said that can also be noisy.

COUNCILMAN GIARRANTE said not really, there's no noise in putting a new set of brakes on.

COUNCILWOMAN QUILLMAN said she wanted to mention too that at the Community Design Review Board on May 3rd it's in writing that our City Manager didn't feel this was a good location for this.

COUNCILMAN SHETINA asked about the Tuffy Muffler shop situation on Rt. 59 and Vermette Circle that was a concern.

The Director of Community and Economic Development said it was a concern and they made the same promise of keeping the doors closed with the exception of bringing the cars in and out. He said he hasn't gotten any complaints from the folks that live back there. He said when the City Manager first responded to this, he wasn't at our review board and we said that was one of his concerns from earlier on. He said one of the things that we did do to sort of pattern this particular proposal is we went out and looked at the NTB Tire/Muffler shop in Shorewood in front of Dominick's and what was required of them. He said we are requiring Firestone to orient their building so the doors open up to the side, that they don't open up towards the houses in the rear and that they don't face

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

Route 30. He said we are also requiring that they put a nice entrance feature at the front of it like they did in the Shorewood facility and that it be all masonry. He said the reason why staff is somewhat supportive of it is because they did change the site plan to accommodate the doors being on the side instead of at the front or at the back, and so they could control the noise they did agree to put the doors down with the exception of the cars coming in and out. He said he thinks that the architectural that you see in this brochure is the third design, and every time they proposed something we'd look at them and if it was not what we were looking for, we'd send them back to the drawing board. He said they have been a very workable group of people when we requested these things.

COUNCILMAN SHETINA said to follow up with respect to Tuffy Muffler, they drew upscale buildings on either side of it including a bank and a restaurant and of course there is a subdivision right in the back of it. He said he just wanted to make that point.

The Director of Community and Economic Development said the other thing too is that when you look at the site plan, there are five lanes on Route 30 in front of this facility and the closest homes are quite a bit removed to the south of that. He said they are going to have development in between this facility and the homeowners to the rear so again when we looked at it we thought it would be properly buffered from the noise. He said the noise will dissipate over distance, but the big thing was the doors would be closed and the doors are oriented so if there was noise it would be to the east and the west on Plainfield Road and buffered by other buildings just like they did in Shorewood.

COUNCILWOMAN QUILLMAN asked if the Plan Commission saw the revised plans.

The Director of Community and Economic Development said yes.

COUNCILWOMAN QUILLMAN said and they still had a split vote of 3 against and 3 for.

The Director of Community and Economic Development said yes.

The Deputy City Manager explained Council Memo #774-07 dealing with a Preliminary PUD of The Boulevard located at the intersection of I-55 and Route 30 which is part of a 171.5 acre development that will straddle the City of Joliet and Village of Plainfield.

Attorney Mary Riordan was present on behalf of the petitioner, 55/30 Acquisitions LLC.

COUNCILMAN UREMOVIC said in regards to the second paragraph of the first page of the Council memo, it states "The design of the development is "intended" to be uniform within both municipalities." He said he doesn't know if that word should be stricken out if they both will be identical.

Ms. Riordan said a better word would have been "designed"; it's designed to be a cohesive development. She said these design criteria are going to go into both Joliet's side and Plainfield's side, and it's their plan that no user or patron would know the difference and nobody should know whether they're in Plainfield or Joliet.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

COUNCILMAN UREMOVIC said in other words if Plainfield has a higher design standard than Joliet we will move up to that higher level.

Ms. Riordan said absolutely and in fact that's not the case any more. She said the City of Joliet has amended its design standards.

COUNCILMAN GIARRANTE said so theirs will come up to ours.

Ms. Riordan said yes.

COUNCILMAN UREMOVIC said just the word "intended" made him question.

The Corporation Counsel said you're referring to the Council memo, but the legal restriction will be in the Ordinance approving the Planned Unit Development which incorporates all the developer's submittals and that would be all of the design, the architectural, everything that's in that notebook becomes part of the Ordinance approving the Planned Unit Development and the same notebook will be approved by Plainfield and Joliet. He said it is tricky to have one piece of property straddle a municipal boundary, but Plainfield and Joliet have agreed at least at a staff level that the same design will be approved by both sides.

COUNCILMAN UREMOVIC said that means quality of materials and everything.

The Corporation Counsel said it will be seamless; you will not know which community you're in.

Ms. Riordan said for example the City of Joliet parking stalls are a different size, so all of the parking stalls in Plainfield will meet the City of Joliet's code so we don't have two sizes of parking stalls. She said it's our intent that this just be attached to the Ordinance so everything in this book becomes part of the Ordinance and we have to comply with everything in the book.

COUNCILMAN BROPHY said so the common denominator is whatever is the greater or better of the two.

Ms. Riordan said yes, it's going to be a first class project.

COUNCILMAN BROPHY said what his eye goes to immediately on the preliminary plat is how many buildings are on the Joliet side and how many parking spaces are on the Joliet side, because the buildings are what will generate the sales tax revenue. He asked the Director of Community and Economic Development how they worked that out - are these buildings going to be sited here or are we going to have revisions later that move them to one side or the other depending on sales tax.

The Director of Community and Economic Development said you might see revisions depending on who the users are, but one of the interesting things about this is when you look at this particular parcel the visible property is in the City of Joliet, the most accessible property is in the City of Joliet and where most of the value is going to go will be in the City of Joliet. He said most of the restaurants want the visibility from the interstate and Route 30 and are going to be on our side of the street so what we expect is that we're going to get not only the sales tax but the prepared food and beverage tax as well. He said like any commercial development there is a possibility that you might get the best user in the world and we might have to make some concessions from what we're talking about

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

today, and that's not anybody's intent but we are out there trying to scare up these commercial users and sometimes those things have to happen. He said that's exactly what happened in the other project with the Firestone store. He said you don't like to see it, but we'll probably see it in a lot of the other commercial developments that we do because they're trying to hit a moving target and it changes by the day.

COUNCILMAN BROPHY asked if their plan has a limit for the number of banks.

Ms. Riordan said they've agreed to one bank on the Joliet parcel and she thinks the bank is going to require that they be the only bank in the project. She said you have the best parcel and all the frontage where everybody wants to be, especially the restaurants.

COUNCILMAN BROPHY said except you're going to market it as Plainfield.

The Director of Community and Economic Development said it's a Plainfield mailing address.

COUNCILMAN SHETINA asked if there was a market analysis done by the proposed developer and if so was it shared with the City of Joliet and Plainfield.

Ms. Riordan said yes and the best market study is paying \$27 million for the property. She said she doesn't mean to be facetious but the developer has actually closed on some of the property and will close on the truck stop on September 1st. She said there is a lot of interest in the retail and restaurants and based on that the developer has gone forward and purchased some property and will be purchasing a lot of other properties and they really have confidence that this is going to be a good project.

COUNCILMAN SHETINA said there is nothing in writing.

The Director of Community and Economic Development said there is nothing in writing. He said they did do a tax analysis and talked about the taxes that we're making now, and the taxes that would be expected on our portion in the future is substantially greater than what we're seeing now. He said again being at Route 30 and I-55 it is somewhat of a no-brainer.

COUNCILMAN SHETINA said if there is a study available we ought to have it for our own benefit and for other things that we're doing. He said there is too much money being invested for there not to be some kind of a study. He said there is a lot of floodplain and that land has been trying to sell for years. He said the location is great but he would like to know if there is a feasibility or market study of some sort that could be shared with us for our benefit in the future on other projects.

Ms. Riordan said frankly there is nothing in writing, what they have is letters of intent with users and that's the best market study. She said rather than going out and getting just an abstract study, the retail people have gone out and talked to users and said are you interested and there is a lot of interest.

COUNCILMAN SHETINA said the demand factor came from that.

Ms. Riordan said yes and based on that the developer has gone forward and bought property and incurred a lot of costs.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

COUNCILMAN SHETINA said you have had serious inquiries from restaurants for that location.

Ms. Riordan said absolutely, letters of intent.

COUNCILMAN UREMOVIC said on page 4 of your information packet it states the expected food and beverage tax Joliet will receive is approximately \$800,000, and he asked the Director of Community and Economic Development if they have calculated that also.

The Director of Community and Economic Development said he doesn't think they did an in-depth analysis; we took them at what they submitted to us. He said he thinks they did a tax analysis on a square foot basis.

Ms. Riordan said Plainfield doesn't have a food and beverage tax and what the assumption was is \$250 per sq. ft. in sales which is very, very conservative and just based on that, we used your tax rates and that's what we came up with.

COUNCILWOMAN QUILLMAN asked Ms. Riordan how many restaurants do you think you might have there.

Ms. Riordan said 4 to 5 sit down restaurants.

COUNCILWOMAN QUILLMAN asked the Corporation Counsel if there is any way that we can make sure that they adhere to that.

The Corporation Counsel said yes, in a Planned Unit Development the City is free to specify the building footprints, the architectural and the types of use. He said he doesn't know if the petitioner has had an opportunity to sit down and sort through the details of what's being kicked around.

COUNCILWOMAN QUILLMAN asked how many letters of intent they have.

Ms. Riordan said we have several letters of intent but a letter of intent and a lease are two different things. She said the letters of intent have encouraged us to go forward but as you know it is very competitive out there, especially in that area.

COUNCILWOMAN QUILLMAN said that's why COUNCILMAN SHETINA was asking for some kind of study.

Ms. Riordan said right now we have large anchors that we're working with and finalizing those deals and basically whoever gets the large anchors is going to end up with the restaurants. She said we also have the benefit of coming off the interchange so we'll have very easy access. She said basically these are going to be sit-down restaurants that are going to appeal to local people and the people coming to shop.

COUNCILWOMAN QUILLMAN asked for the names of a couple.

Ms. Riordan said she can't make that kind of an announcement; retailers make their own announcements.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

COUNCILMAN GIARRANTE said if Plainfield doesn't have a food and beverage tax, what is going to keep all the restaurants from going on the Plainfield side.

Ms. Riordan said because they don't want to be on the Plainfield side. She said if you look at the map, to get on the Plainfield side they have to go north and pretty far west. She said it would be so much less desirable for a restaurant to be on the Plainfield side just to avoid a tax that is frankly just passed on to the patrons.

COUNCILMAN BROPHY said this footprint here where the buildings are drawn is a Preliminary Planned Unit Development and he asked if this is where they will be.

The Corporation Counsel said that's what the Planned Unit Development is all about. He said it gives you control over the architectural and the building footprints.

COUNCILMAN BROPHY said they've identified some of these buildings as restaurant, bank, retail. He asked what does our approval entail and is this document here part of the approval.

The Corporation Counsel said this is a Preliminary Planned Unit Development and that's what you are approving.

COUNCILMAN BROPHY said OK, so we've still got final and recording.

The Corporation Counsel said right and in the submittals he thinks it would be fair to the property owner to discuss whatever flexibility is required in the marketplace or in the underwriting side of things.

COUNCILMAN BROPHY said by the time they go to recording this should be known.

The Corporation Counsel said it will be known by the time you go to final.

Ms. Riordan said if it gives you any comfort, this is the same team that's doing a project in Oakbrook at Butterfield Road, a very high-end project. She said that is what we're trying to do here; the same kind of level of quality.

It was requested that this item be voted on today.

5. AN ORDINANCE Approving the Preliminary PUD of The Boulevard as recommended by the Plan Commission subject to the following condition was presented and read: 1) The development will be in substantial conformance to all the plans, architectural renderings, documents and correspondence as submitted. (#PUD-4-07/Dist. #1)
(Council Memo #774-07)

COUNCILMAN BROPHY moved that said Ordinance be adopted as recommended.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to her vote, COUNCILWOMAN QUILLMAN said she thinks it's a wonderful project and she really, really wants to see some nice restaurants in there.

Prior to his vote, COUNCILMLAN SHETINA said let the market forces work and he would vote aye.

Prior to his vote, COUNCILMAN BROPHY said he would ditto COUNCILMAN SHETINA'S remarks.

Prior to his vote, MAYOR SCHULTZ wished them good luck
(ORDINANCE NO. 15893)

The Deputy City Manager explained Council Memo #776-07 dealing with a Preliminary PUD of Stryker Professional Campus, a proposed professional office park to be located at the Southeast corner of McDonough Street and Stryker Avenue.

Mr. Gene Briscoe was presented on behalf of the petition.

It was requested that this item be voted on today.

6. AN ORDINANCE Approving the Preliminary PUD of Stryker Professional Campus as recommended by the Plan Commission was presented and read. (#PUD-6-07/Dist. #3)
(Council Memo #776-07)

COUNCILMAN SHETINA moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 15894)

The Deputy City Manager explained Council Memo #779-07 dealing with an Amendment to the Zoning Ordinance regarding Quorum Rules of the Plan Commission and the Zoning Board of Appeals.

COUNCILMAN UREMOVIC said this doesn't tell us what the plusses and minuses are if we're going to do this. He said he's not real comfortable with this at this time, not until he can understand it a little bit better knowing the long term of what door we're going to open and what door we're going to shut.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

The Corporation Counsel said last year we had a Plan Commission hearing that had a very lengthy agenda and for the first time in many years we had a failure of a quorum, so we had 30 or 40 items that had to be automatically tabled to the next meeting and that causes a disruption for business. He said all of the planners, developers and sellers of property and everybody affected in development had to wait a month because of the failure to get five members to attend a Plan Commission meeting. He said you have to remember that a Plan Commission will conduct a hearing but they don't make any final binding decision on a matter, that all comes to you.

The Corporation Counsel said late last summer the City Council held a visioning session at Union Station and there was a roundtable discussion about how to eliminate that problem from occurring again. He said one of the suggestions made was to change our rules to allow the Plan Commission to conduct a public hearing in the case where they don't have five members and if they have 3 or 4 members they can still accept public comment, make a report of that public comment and transmit it to the City Council. He said the only issue is whether or not their recommendation should be given full weight since the majority hadn't met, but there is nothing under the law or the Municipal Code that requires five members of the Plan Commission to review it before the City Council can act. He said this amendment would allow the City Council to proceed with a proposal from a property owner or developer even though there has been a problem at the Plan Commission or ZBA level with getting a full quorum. He said so if in the future there is a subdivision plat that comes to the Plan Commission and the Commission can only garner four members, which is not a quorum, they can still accept public comment and it then comes to you to make a final decision. He said for those matters that the Zoning Ordinance relegates to the ZBA for a final decision, and there aren't many of those, you would still need a standard quorum for those types of cases, but where the ZBA or the Plan Commission acts just as a hearing body and makes a recommendation, this amendment would allow them to act as hearing officers. He said they would allow public comment because you might have a room full of people that come out on an item of controversy and you have quorum failure and everybody is wondering what's going on, so under this proposal the hearing can still be held and you still have a transcript and minutes and a staff recommendation and then the City Council is free to act without a one month delay.

The Director of Community and Economic Development said if he could add one thing, this agenda that you see tonight is a result of a failure of having a quorum at the May meeting so you have two months worth of activity on this City Council agenda, and that's the reason why it's so large. He said if we could have done this before, we would have gotten some of these items on the June agenda and then some more on the July agendas.

COUNCILMAN UREMOVIC said I understand what you're saying and this is a lengthy agenda, but I'm not sure I want to have anything slip through the cracks and I'm not comfortable. He said if we really look at the Plan Commission and say there is a body that we want to make recommendations and actually do a lot of work because that's what we're asking them to do, and we probably ought to be paying these members and he would recommend that in the future, he's just not comfortable at this point until somebody can show me and tell me what can go wrong with this. He said maybe legally we could have a problem later on. He said or at least we should be able to discuss it or send it through Legislative Committee.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

COUNCILMAN GIARRANTE said if something happens and it goes wrong we can change it.

The Corporation Counsel said under the Municipal Code we're home rule so we're not bound by that, but we could choose to follow the Municipal Code. He said there are two procedures under the Municipal Code for Plan Commission types of items. He said one is have a standard Plan Commission to hold a public hearing and whether or not they make a recommendation is up to the City Council of that City. He said the other one is just to have a hearing officer, whether it be one person or more than one person. He said what this ordinance does is in the case where you don't have 5 out of 9 members at the hearing, then those members turn into hearing officers and they still do the same business that the Council wants them to do now but without delay, and if any member wants to make an individual recommendation that will all be in the record. He said he thinks the Council will still get everything it bargained for.

COUNCILMAN UREMOVIC said to compare us with something like Chicago, they've got a Plan Commission that is very, very tight and rigorous, they don't let anything go through and how would we differ on something like this. He said I just want to know a little bit more before we take any action.

COUNCILWOMAN QUILLMAN said she agrees with COUNCILMAN UREMOVIC and she didn't like it when she saw it and she is concerned why we can't get enough of a quorum. She said people volunteer to serve and are asked to serve and want to serve and they don't show up or they have to leave early. She said when you do public service you make a commitment, so if these folks can't make the commitment maybe they should give their seats up and let the Mayor appoint someone else. She said as COUNCILMAN UREMOVIC asked, what are we setting ourselves up for and she thinks it's very confusing whether it's a hearing or to make a decision. She asked who is going to be there to oversee that and something could slip through the cracks and we might be sorry later and she doesn't like this.

COUNCILMAN GIARRANTE asked the Corporation Counsel to correct him if he's wrong, but aren't all the sitting committees like that now, in other words if the Public Service Committee has a meeting and there is no quorum they can discuss everything but they can't vote on anything.

The Corporation Counsel said that applies to all the advisory committees. He said a quorum is kind of imaginary because the committee doesn't have final jurisdiction. He said none of those committees actually act on a final level, it's all advisory.

COUNCILMAN GIARRANTE said it's all a recommendation. He said but even this Council, if today there was not a quorum, we could sit here and discuss things but we couldn't take any action and he asked if that is correct.

The Corporation Counsel said you could not convene the meeting and you could not take any action and anybody who had business with you today would have to wait two weeks.

COUNCILMAN GIARRANTE said but with the sitting committees you can sit and discuss but you can't make any recommendations to this Council.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

COUNCILMAN BROPHY said I think we have to be careful here, short memories may not serve, but a few short years ago we were begging people to make an application to our Plan Commission. He said we should make this as easy as possible, and we still have all our protections in place and a professional staff that does a good job and brings us stuff that is highly prepared. He said he thinks the business community deserves to have a partner in progress and in development instead of somebody that stumbles and puts up more roadblocks so we should consider this as soon as possible.

COUNCILMAN TURK asked if both commissions were nine members.

The Corporation Counsel said the ZBA is seven members and the Plan Commission is nine members.

COUNCILMAN SHETINA said some time ago he asked the staff to consider and bring to the Council the possibility of having either the Mayor, Mayor Pro-Tem or beginning with At-Large Council people where if a commission could not constitute a quorum that the Mayor, Mayor Pro-Tem or someone on down be a legally constituted person that could sit on those committees in the event we couldn't get a quorum. He said the staff didn't like that so there must be a reason for that but practically speaking what I don't like about this is that it encourages people not to come to the meeting. He said he likes the fact that they have to be there. He said he also agrees with COUNCILMAN BROPHY in the regard that you have to make it as easy as possible. He said I think you've explained it but at the same time if we're not happy with the explanation there is nothing wrong with tabling this for a couple of weeks until such time as we can get these questions answered. He said he agrees with what you're doing and it's better than what his thought was on having an ex-officio from the Council, because that's probably a conflict.

COUNCILMAN GIARRANTE said he agrees with tabling when he thinks it's going to do some good, but he doesn't know if this is going to do any good. He said maybe what we need to do is start looking at those two commissions and see if we have an individual or individuals that are consistently absent. He said he knows the Mayor sends out letters asking if you still wish to serve and he thinks it's up to them to do due diligence and say no, I'm finding it hard to make meetings and let the Mayor appoint somebody else. He said if it's the same people missing meetings consistently it needs to be addressed.

COUNCILMAN TURK said he agrees and most of these people on these commissions are dedicated people and if other members aren't carrying their weight, it's not fair to them. He said he's not looking for names but if staff could supply the names of those commission members that are consistently absent to the Mayor, he might take that into consideration when he does his appointments.

COUNCILMAN SHETINA said he's asking that we table it for a couple more weeks for some input.

COUNCILMAN GIARRANTE said he doesn't see any problem with tabling it for a couple of weeks but he doesn't know if it's going to make any difference.

COUNCILMAN SHETINA said he would hope in the process the questions would be asked as to what the concerns are, if not I'm prepared to vote on it today and I support it today but I don't want to support it when two people don't want to do it.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

The Corporation Counsel asked if there would be any thought to perhaps referring it to a committee and maybe that would be a better forum.

COUNCILMAN UREMOVIC said he recommends that we table it today and then send it to Legislative Committee so that we can review it. He asked staff to get him a copy of how they do things at the Chicago Plan Commission.

COUNCILMAN SHETINA said a two week window may not do it then.

The Corporation Counsel said we'll table it now and come back to Council when the Legislative Committee is ready.

7. Ordinance re: Approving an Amendment to the Zoning Ordinance regarding Quorum Rules of the Plan Commission and Zoning Board of Appeals (#ZO-4-07)
(Council Memo #779-07)

COUNCILMAN UREMOVIC moved that this item be referred to the Legislative Committee for their review.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

COUNCILMAN UREMOVIC asked about Council Memo #804-07 dealing with Award of a Professional Services Contract for an Access Justification Report and Environmental Assessment for the Proposed Interchange at I-55 and IL-59. He said the Council didn't receive a copy yet and he asked for an explanation.

The Director of Public Works said they are going to discuss that tomorrow morning at the Public Service Committee meeting. He said you'll have the memo in the morning.

COUNCILMAN UREMOVIC said this is for I-55 and Jefferson Street.

The Director of Public Works said not Jefferson Street, it's modifying the intersection of I-55 and Route 59. He said we've got another alternative that the State, IDOT and FHWA (Federal Highway Administration) seems to be more in tune with; they think it's a better alternative to create a full interchange there.

COUNCILMAN UREMOVIC asked if you have to file this with any interchange modification.

The Director of Public Works said yes, you have to get an Access Justification Report and an Environmental Assessment.

COUNCILMAN UREMOVIC asked if he has drawings for this.

The Director of Public Works said not yet - we want to hire a consulting engineer to prepare this report and get the report approved as well as the environmental assessment.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 16th day of July, A.D. 2007***

COUNCILMAN UREMOVIC asked what's the report going to be and are there going to be drawings.

The Director of Public Works said yes, this has to happen before it's designed. He said we have some preliminary geometrics with it.

COUNCILMAN UREMOVIC asked if it will tell us what it's going to cost us.

The Director of Public Works said yes, part of the report will be the estimated costs. He said they have done some real preliminary estimates and the estimated cost is around \$6 or \$7 million which is potentially less than what our original consultant, Teng and Associates estimated, who had a few options. He said our newer consultant Civiltech has some options that are a little less expensive and we think has a better ultimate capacity for this interchange.

COUNCILMAN UREMOVIC said so you have a previous report on this already.

The Director of Public Works said Teng and Associates has done some preliminary work but they have never actually filed for the Access Justification to the State of Illinois and FHWA. He said we cut them off because we started looking at some other alternatives.

8. Citizens to be Heard

- a. Chris and Renee Paluch re: Issues with the Police Department

Mr. and Mrs. Paluch withdrew their request to speak.

COUNCILMAN UREMOVIC requested that the Council go into closed session to discuss personnel.

COUNCILMAN UREMOVIC moved that the Council recess to closed session to discuss personnel after which the meeting will be adjourned.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk