

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 6<sup>th</sup> day of July, A.D. 2009***

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, July 6, 2009 at 3:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

ROLL CALL

PRESENT: MAYOR PRO-TEM JOSEPH R. SHETINA and DISTRICT 4 COUNCILWOMAN SUSIE A. BARBER, DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 5 COUNCILMAN WARREN C. DORRIS, COUNCILMAN AT LARGE THOMAS C. GIARRANTE and COUNCILWOMAN AT LARGE JAN QUILLMAN.

ABSENT: MAYOR ARTHUR SCHULTZ, COUNCILMAN AT LARGE MICHAEL F. TURK and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

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

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

Deputy Liquor Commissioner Dan Campus explained Council Memo #610-09 dealing with the application of JP's Bar & Grill for the Transfer of a Class "B" Liquor License at 1609 W. Jefferson Street.

Mr. Justin Pollack, the applicant, and Attorney Bruce Zumstein were present on behalf of the application.

COUNCILMAN UREMOVIC arrived at the meeting during the discussion.

It was requested that this item be voted on today.

1. Transfer of a Class "B" Liquor License at 1609 W. Jefferson Street  
(Council Memo #610-09)

A communication from the Liquor Commissioner regarding the application of JP'S Bar and Grill, LLC (Justin Pollack) d/b/a JP's Bar & Grill for the transfer of a Class "B" Liquor License at 1609 W. Jefferson Street contained his recommendation that the transfer 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 BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

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Deputy Liquor Commissioner Dan Campus then explained Council Memo #609-09 dealing with the Issuance of a Class "D" Liquor License at 2779-2781 Black Road for Hue Palace Restaurant.

MAYOR PRO-TEM TURK arrived at the meeting during the discussion.

COUNCILMAN BROPHY asked if we have any guidelines for saturation of a certain area or a strip center like this as far as licenses go.

Mr. Campus said no, although part of his report includes a breakdown of the licenses within a one mile radius of this location.

COUNCILMAN BROPHY asked Director of Community and Economic Development James Haller to comment on the parking in this strip center.

Mr. Haller said they've never maximized the parking at that location. He said this is the same complex that Barolo's, Ambrosia and a package liquor store are in. He said what ends up happening is everybody fights for the parking close to Barolo's on the far west side and around the corner of the building there always seems to be ample parking so we don't see it as a problem. He said there's medical offices to the north and other parking spaces to the east and if it got real bad he would ask that the landlord secure additional parking for when the medical offices were closed, but they haven't seen any problems so far.

COUNCILMAN BROPHY said and there's no complaints from nearby commercial.

Mr. Haller said not for parking. He said they've heard other things from the neighborhood to the south on the late night noise from some of the other establishments, but not for this one.

COUNCILMAN SHETINA said we need to start talking about something on saturation because this is crazy. He said he's not going to try to stop it because they're already there, but it's absolutely nuts to have four liquor licenses in a 15,000 sq. ft. building.

The Corporation Counsel said under the current ordinance the City Council and the Mayor would be entitled to make a judgment about the actual interrelationship between the existing tenants and a proposed licensee. He said there is authority and flexibility within the ordinance now to prohibit a new license on the basis of over concentration if the record shows that. He said he knows in the past there was sort of an unwritten policy with package liquor stores that there wouldn't be more than one in a strip shopping center, but he doesn't know if that's still the rule. He said if we were to do something we would want to make it where we would look at actual secondary effects from a liquor establishment that had to do with the interaction between multiple licensees for noise, parking or whatever the safety issues might be. He said we could do that now.

COUNCILMAN SHETINA said we wouldn't put 4 veterinarians in one building like this. He said this is crazy and we have to make some kind of effort to stop this kind of concentration. He said we need to get this before Land Use and talk about it and let the Council make a decision.

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COUNCILMAN DORRIS said that's why he will only vote yes on transfers, not on new licenses, because when you look at the amount of licenses per capita in this City we have to be one of the highest in the State. He said he would like to see the report on the amount of licenses per capita.

Mr. Campus said he would get that report to him.

It was requested that this item be voted on today.

2. Issuance of a Class "D" Liquor License at 2779-2781  
Black Road  
(Council Memo #609-09)

A communication from the Liquor Commissioner regarding the application of Hue Palace Restaurant, Inc. d/b/a Hue Palace Restaurant for the issuance of a Class "D" Liquor License at 2779-2781 Black Road contained his recommendation that the issuance of this license is in the best interest of the City, and therefore, approval is recommended.

COUNCILWOMAN BARBER moved that the recommendation of the Liquor Commissioner be concurred in.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: COUNCILMAN DORRIS.

COUNCILMAN BROPHY said he feels the same way Councilman Shetina does, but he thinks it would be punitive to react to this agenda item here today. He said we should give it some consideration though and talk about it.

COUNCILWOMAN QUILLMAN asked how much it would hurt if we put a moratorium on this until we got information on new license proposals within shopping centers that already have licensees.

Mr. Campus said he has a couple in the works as far as hearings go.

COUNCILWOMAN QUILLMAN asked if it was possible to get that information before the next Council meeting.

Mr. Campus said yes.

Deputy Liquor Commissioner Dan Campus then explained Council Memo #611-09 dealing with the Issuance of a Class "C" Liquor License at 120 S. Larkin Avenue.

Mr. Mohammad Zayyad, the applicant, was present to respond to questions.

COUNCILWOMAN QUILLMAN asked what are the Sunday hours.

Mr. Campus said 10 a.m. to midnight.

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COUNCILWOMAN QUILLMAN said there is a church right around the corner and she has a problem with them selling liquor when church services are going on.

Mr. Campus said it's past the threshold that we typically use of 100 feet.

COUNCILWOMAN QUILLMAN said that's pretty much a residential neighborhood.

Mr. Campus said they notified the people on Emery and the other nearby streets and no one attended the hearing in opposition.

COUNCILMAN SHETINA asked if there is still a local liquor association.

Mr. Campus said there still is.

COUNCILMAN SHETINA asked if they ever talk about these kinds of issues with saturation or anything.

Mr. Campus said no. He said typically his conversations with them are giving them updated lists of licensees so they can contact them and bring them into their organization.

COUNCILWOMAN QUILLMAN said just based on what staff has written in the memo, it's requested that the Liquor Commissioner scrutinize the petitioner's business plan to ensure the proposed operation minimizes negative impacts prior to approval. She said it says one of the issues is limited parking and may cause trouble in the single family area.

Mr. Campus said the parking is on Larkin Avenue and they just didn't see that it was going to be a problem. He said the package liquor parking isn't going to be full all at one time; people will stop in and go home.

COUNCILMAN SHETINA said this is a new license.

Mr. Campus said yes. He said the tobacco shop wasn't going well and they're trying to save the business.

COUNCILMAN BROPHY asked if there are still residential units in the back or the upper part of this strip center.

Mr. Zayyad said the two story is in the back and it's not the same building. He said he owns the tobacco shop and it isn't doing well so they want this chance to survive or they will have to shut down.

COUNCILMAN SHETINA said somebody else is taking over the tobacco shop.

Mr. Zayyad said yes, he will have a partner and they will take over the tobacco shop and expand to the empty space next door.

COUNCILMAN BROPHY asked how many apartments are in the back.

Mr. Zayyad said there are four units and COUNCILMAN BROPHY asked how many parking spaces are in the back.

Mr. Zayyad said on the side there are about ten.

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COUNCILMAN BROPHY said so there's no parking in the back.

Mr. Zayyad said no, just on the side of the building.

COUNCILMAN BROPHY asked how many parking spaces are in the front of the building.

Mr. Zayyad said about 20 plus 10 on the side.

COUNCILMAN BROPHY asked Mr. Haller how close does that come to current guidelines.

Mr. Haller said it's really hard to figure that out because it's based on square footage and that building has been there for so long it was subdivided off into five commercial units. He said he doesn't think anybody on staff ever reviewed that to see if they had appropriate parking. He said that strip doesn't seem to be overly busy and parking problems don't seem to occur at this point in time. He said the concern we raised is if the liquor added a new dimension to the parking demand that couldn't be satisfied by the existing properties. He said to the immediate south is the old Englewood Electric and people can get from Larkin back to Emery and that was another concern that people do all of the time now and the neighbors complained about it.

COUNCILMAN BROPHY said the element that bothers him is the residential element that is attached to the building. He said he doesn't know how many B-3 zoned liquor licenses with residential attached that we have now except for an owner occupied situation like Malnar's Tap where there is an apartment upstairs. He said he would like to have a little better idea of the parking situation. He said based on 30 or so spots it doesn't seem too outrageous.

Mr. Zayyad said as far as the church is concerned, they can open at 12 p.m. on Sundays if that is an issue.

COUNCILMAN BROPHY said he doesn't think that is an issue. He said he doesn't think Mr. Zayyad should be treated differently in that regard than any other store in town because there is a church around the corner from every liquor store in town. He suggested that this be tabled.

3. Issuance of a Class "C" Liquor License at 120 S. Larkin Avenue  
(Council Memo #611-09)

COUNCILWOMAN QUILLMAN moved that this item be tabled until the July 20-21, 2009 Council meetings.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

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COUNCILMAN SHETINA said he's respecting the table but he is going to vote against the license when the time comes because he doesn't like that we have too many liquor licenses and there are four apartments upstairs in a residential area. He said he doesn't see how Mr. Zayyad can make that work with a liquor license there.

Mr. Zayyad said there is nothing close by on Larkin Avenue and they get a lot of traffic on Larkin Avenue and hotels nearby so he didn't see a lot of competition in that area. He said he invested a lot of money in the tobacco shop and it looks like he is going to lose it. He said this is his only way to survive.

COUNCILMAN GIARRANTE asked what information are we looking for in the meantime.

COUNCILMAN BROPHY said he would like to see a sketch of the property, a count of the units and based on residential requirements do we require two or two and a half parking spots per residential unit and how many for the square footage of the building. He said we're going to get a lot of in and out here and the parking lot is very close to Larkin.

COUNCILWOMAN QUILLMAN said there were issues before on Emery Street with going in and out of there.

COUNCILMAN BROPHY said he needs to understand the footprint of this building with regard to the residential so whether we need more time to put that on a Committee agenda he doesn't know, but we could also just review it individually.

COUNCILMAN GIARRANTE said he doesn't know if this goes to a Committee, that's what the Liquor Commissioner does. He said he reviews this and comes back with a recommendation. He said he'll support the table as he'd like to see that information too at this point.

The City Manager then explained Council Memo #570-09 dealing with the Preliminary, Final and Recording Plats of Beatty Lumber Commercial Subdivision Unit 2.

Attorney Mike Hansen was present on behalf of the petitions.

It was requested that these items be voted on today.

4. AN ORDINANCE Approving the Preliminary Plat of Beatty Lumber Commercial Subdivision Unit 2 as recommended by the Plan Commission was presented and read. (#P-7-09/Dist. #5)  
(Council Memo #570-09)  
(ORDINANCE NO. 16488)
5. AN ORDINANCE Approving the Final Plat of Beatty Lumber Commercial Subdivision Unit 2 as recommended by the Plan Commission was presented and read. (#FP-5-09/Dist. #5)  
(Council Memo #570-09)  
(ORDINANCE NO. 16489)

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6. AN ORDINANCE Approving the Recording Plat of Beatty Lumber Commercial Subdivision Unit 2 as recommended by the Administration subject to receipt of the following fees and documentation within 60 days was presented and read: a) A Letter of Credit or Performance Bond for public improvements in the amount of \$256,469.00; b) A 1 ¼% inspection fee for public improvements in the amount of \$3,205.86; and c) An Irrevocable Offer of Dedication for public improvements. (#RP-4-08/Dist. #5)  
(Council Memo #570-09)  
(ORDINANCE NO. 16490)

COUNCILWOMAN QUILLMAN moved that said Ordinances be adopted as recommended.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

The City Manager then explained Council Memo #571-09 dealing with the Preliminary and Recording Plats of Rock Run Business Park Unit 4G which divides an existing 36 acre site for two separate uses. He said there is a trailer storage area on Lot 100 that was being used solely by the warehouse user on Lot 101, and the warehouse user no longer requires the entire trailer parking area. He said the developer would like to open it up for other park users to locate trailers on the site.

The City Manager said that as part of this subdivision request, it is being recommended that the existing payment in lieu of taxes (PILOT) requirement be removed from the trailer storage property based on economic conditions and the need to make the property more marketable in light of the loss of tenants and the competition from new industrial business parks.

Mr. Tom George and other representatives of Industrial Development International (IDI) were present on behalf of the petition.

COUNCILWOMAN QUILLMAN said she believes the tax revenue that we get is about \$21,000 and she asked if that is correct.

The City Manager said the portion of the PILOT payment that the City received was about \$21,000 a year and we've received two year's worth of payments.

COUNCILWOMAN QUILLMAN said so we want to lift this with the possibility that there might be someone coming in to develop this, but there's no guarantee.

The City Manager said there's no guarantee; right now it's a very competitive situation because of all of the industrial sites that are available. He said when IDI is marketing the property and they show that this property is subject to a \$152,000 payment in lieu of taxes, it makes it very anti-competitive for them and then they end up not being able to attract a developer to the site. He said the business they're working with right now has a site in Illinois fairly far away from

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here. He said they're interested in coming to the Joliet area and it would bring 150 to 200 jobs to Joliet.

COUNCILWOMAN QUILLMAN said we still have no guarantee that they're going to come here.

The City Manager said we do not.

COUNCILWOMAN QUILLMAN said we could remove this and they'll never get a developer and we're out \$21,000 a year which is money we need right now.

The City Manager said what we're trying to do is help IDI to be able to market the property and an additional consideration is that we've been working with them on the dedication of right of way for the extension of the roadway from Houbolt that will run on the south side of Joliet Junior College for the road that will eventually connect across Rock Run Creek to get to the parcel that's at the northeast corner of I-80 and I-55. He said it's a substantial amount of right-of-way and we're working with them right now to have that dedicated to the City. He said the release of the PILOT payment would be part of the compensation that we would be paying for that right-of-way, so in other words, we would stand a good chance of being able to get the right-of-way without compensation.

COUNCILWOMAN QUILLMAN said we need that right-of-way for the O&S development eventually.

The City Manager said yes, and we need it for two reasons. He said JJC will be moving forward with the redevelopment of it's campus and that road is a critical piece of opening up the south end of JJC's property. He said that road will also service the development that will occur at I-80 and I-55 someday.

COUNCILWOMAN QUILLMAN said hopefully that will happen soon. She said about 150 jobs will be generated with this company that possibly could come in.

The City Manager said that's correct; it's a very competitive situation right now and as we competed with other sites with the Central Grocer's project, we're doing the same here and we're trying to put the best proposal on the table to make sure we attract this company.

COUNCILWOMAN QUILLMAN said with the 150 jobs, are we going to guarantee that they're local people or do they usually just bring in the other people that they already have working for them.

The City Manager said he has not talked to the developers about where the employees will be hired from. He said he's sure there will be some transferees that will come from the current site and he's sure a lot of the other jobs will be hired locally, but he doesn't know the percentage.

COUNCILMAN BROPHY asked if the payment is a part of a later negotiation or would it be waived upon our action today.

The City Manager said it would be waived upon the Council's action today. He said his recommendation is to remove that as a condition on the lot that currently hosts the trailer parking area.

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COUNCILMAN BROPHY said typically he wouldn't remove such a negotiable item from a table so early without knowing the end result of the other thing. He said there must be a strategy in place.

The City Manager said IDI is trying to attract a business that will bring in 150 to 200 jobs and even if that one doesn't come about, he thinks IDI will still be in the same position of having a very unmarketable piece of property competing with all of the CenterPoint properties that will be coming on line and some of the industrial parks in Bolingbrook, Romeoville and Channahon that have other sites that don't have a PILOT payment requirement.

COUNCILMAN BROPHY said he understands why we have to be competitive and certainly understands why we would do so in advance. He asked if a lot like this with these trailers is valuable in the current market.

COUNCILMAN SHETINA said it's not like it was a year or two years ago but it's still viable. He said this is a perfect example of an organization that's been really good with the City of Joliet and casting off \$2.2 million as a result of working out what we did with them in the TIF district. He said in order to put them in a competitive position we need to ask them what we can do to keep them around. He said we have to nurture these kinds of organizations with respect to business retention.

COUNCILMAN BROPHY said he needs to feel better about the cost. He questioned how much right-of-way we need. He said of course if they're coming in to get a break they're going to ask for all of it, but is all of it necessary is his question. He said no doubt they've been a good corporate citizen and a valuable business park. He said his question is what are we getting for \$21,000 a year forever.

COUNCILMAN SHETINA said we talked about the present value of that money and it's a good amount of money.

COUNCILMAN BROPHY said the present value of that is huge so he doesn't have a good feel for what we're getting in return.

COUNCILMAN SHETINA said do we want to say no and throw them out the door and they become non-competitive with respect to that land. He said two years ago they could have rented that land and put trucks on it for \$50 to \$100 a month per truck and now that's not happening as much because of the softening market.

COUNCILMAN BROPHY asked if there was any staff deliberation on the exact value of what amount they need rescinded to be competitive.

The City Manager said he thinks the issue is that the PILOT payment concept only applies to a couple of pieces of property in Joliet and most of the other parks that we've approved through the years do not have that limitation on it. He said he thinks the developers in this case agreed to it when the economy was robust and it was a lot easier to market and this trailer parking area was a necessity for this particular piece of property for the building that was there. He said right now we are at such a competitive disadvantage by having a PILOT payment in place that it makes this piece of property unmarketable, and right now IDI has lost a couple of its good tenants to CenterPoint in the Elwood facility, so we've lost those tenants to another town, and he thinks we need to get aggressive and help

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all of the developers attract businesses. He said even if we don't get this business he thinks it will still keep their hands tied if we keep the payment in place.

COUNCILMAN GIARRANTE asked if we are guaranteed the right-of-way concerning the Bridge Street Towne Center.

The City Manager said yes. He said we have plats that have been prepared and provided to IDI and we will follow up with them with a formal agreement on dedicating the right-of-way.

COUNCILMAN GIARRANTE asked about a price.

The City Manager said he thinks the price is zero right now and we will be bringing that back to the Council.

COUNCILMAN GIARRANTE said he would like to see that in there before he votes on it.

The City Manager said you would rather have the right of way agreed upon before you vote on the PILOT payment removal.

COUNCILMAN GIARRANTE said absolutely.

Mr. Tom George of IDI said that in response to a few of the questions, the proposed jobs are going to be new and there will be just a few management people. He said the facility is moving from about 150 miles away and we're told there will be 200 jobs and it really is contingent upon this and it has to happen very quickly. He said they have an agreement and it's contingent upon this situation. He said he doesn't think there's any question that if this gets done, the jobs are there. He said as far as the other situation they are very excited about the potential development to the west and they will cooperate fully with that and that shouldn't be a problem. He said they've had a very good partnership over the years and they love to see Joliet grow. He said they've lost almost 750,000 sq. ft. of facility to Elwood just in the last 6 months so it is very critical that they get this new tenant with 202,000 sq. ft and 200 jobs.

COUNCILWOMAN QUILLMAN asked if we can have an addendum on the agenda for tomorrow with the no cost figure in there.

The City Manager said he would be happy to talk to IDI. He said he thinks our issue with the right-of-way is it's really not fixed and we weren't ready to lock in to a prescribed right-of-way. He said we have plats that show where we think it will be but obviously we are a long ways away from getting final approval from IDOT and what we're trying to do is give ourselves some flexibility. He said he would be happy to talk to IDI and if we have any glitches on the right-of-way issue he will bring that back to the Council before tomorrow night. He said his recommendation is to move forward. He said at this point we don't want to lose 150 to 200 jobs and that's why he brought it forward now rather than waiting for the right-of-way issue to be resolved because it could be several months before we have a fixed place where that needs to be.

COUNCILMAN DORRIS said he would like to vote on this right now. He said the right-of-way is really a separate issue and he believes IDI has been a good business partner and we will work it out, but we have an opportunity to bring 150

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to 200 jobs here. He said we have a piece of property and something there that is not making it competitive and so he would move that we approve this.

7. AN ORDINANCE Approving the Preliminary Plat of Rock Run Business Park Unit 4G Subdivision as recommended by the Plan Commission was presented and read. (#P-6-09/Dist. #3)  
(Council Memo #571-09)  
(ORDINANCE NO. 16491)
  
8. AN ORDINANCE Approving the Recording Plat of Rock Run Business Park Unit 4G Subdivision as recommended by the Administration which includes the approval of a future amendment to the existing development agreement to eliminate the payment in lieu of taxes (PILOT) provision. (#RP-8-09/Dist. #3)  
(Council Memo #571-09)  
(ORDINANCE NO. 16492)

COUNCILMAN DORRIS moved that said Ordinances be adopted as recommended.

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

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

NAYS: COUNCILWOMAN QUILLMAN.

Prior to her vote, COUNCILWOMAN QUILLMAN said she's not going to vote against having any jobs here, that's not her issue. She said she did want to wait until tomorrow because she feels this is a gamble. She said it's not that she doesn't distrust them but she likes to see things in writing and so since her colleagues want to hurry up and vote on this today instead of tomorrow she's going to have to vote no. She said she's not voting against it, she just wanted some more information and something in black and white so that's why she's voting no, and please don't misquote her or misunderstand her.

The City Manager then explained Council Memo #569-09 dealing with the Preliminary and Final Plats of Pucel's Resubdivision. He said we had some residents who voiced their objection to the resubdivision and staff is recommending approval.

Mr. Greg Pucel and Mr. Mike Rogina of Rogina and Associates were present on behalf of the petition.

MAYOR PRO-TEM TURK said this lot will be 70 feet wide.

The City Manager said one lot will be 7,503 sq. ft. and the other one will be 7,842 sq. ft. with 62 foot frontages.

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COUNCILMAN BROPHY said Mrs. Mary Ann Decman from next door called him today and said she didn't know if she would make it here. He asked Mr. Haller about the current standards for setbacks. He said the side setback would be of concern to her. He asked what a ranch and a two story setback would be in the current code.

Mr. Haller said some of the side yards would be 20 feet on a two story house if they were going to build one and there could be as little as 12 feet on one side and 8 feet on the other side. He said it's less than that for a 1 ½ story or a ranch house. He said we treat this as infill and we've been arm twisting everybody to comply with our current design standards and we try to get a brick front out of the builder and an 8/12 roof pitch at least on the gables. He said he knows Mrs. Decman's big concern was with water runoff. He said Public Works and the Building Department don't seem to be concerned with that because they will make sure that the proper pitch is there so any of the water gets diverted to the front or the back depending on where the normal grade goes. He said they've told that to Mrs. Decman in the past and she is concerned about it. He said he thinks they have enjoyed this wooded vacant lot for all these years and don't want to see it get built upon, but we did also reiterate the fact that the lot is for sale and it's available to the adjoining owners if they want to buy it.

COUNCILMAN BROPHY said he talked with them and told them what was drawn was within the legal limits of our current code and should someone ever dig a hole to build a house to call and we'll double check that it is at the right elevation and the right setback and that we have reviewed the plans and they are going to build a good looking house.

COUNCILMAN GIARRANTE said he knows they don't have rear yard drains in that area and he asked if there was going to be water runoff with the neighbors.

Director of Public Works Jim Trizna said whenever they build this lot he is sure they will raise the foundation up so the water in the front yard can drain over the top of the curb in the street and the backyard will drain to the alley. He said he doesn't see an issue and right now it's staying as is.

MAYOR PRO-TEM TURK said one of the issues is if the new home would fit in with the décor of the existing neighborhood. He said there is a brand new home almost directly across the street from this one and it fits in great.

COUNCILWOMAN QUILLMAN asked if we worked it out with the neighbors.

The City Manager said he wouldn't characterize it as having it worked out with the neighbors. He said it sounds like Councilman Brophy has had the last contact with the adjoining property owner.

COUNCILMAN BROPHY said Mrs. Decman was concerned and did speak in opposition because it's change and she said she may submit a written comment we could read for her and she may do so tomorrow. He said her fear is really of what might go there and whether we will have a say in that permit when it comes up and what that house looks like, and we will.

The City Manager then explained Council Memo #586-09 dealing with awarding a contract to Joseph A. Schudt & Associates for a Study of the Downtown Joliet Floodplain Map Modernization.

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It was requested that this item be voted on today.

9. Request for Authorization to Award a Professional Services Contract to Joseph A. Schudt & Associates for a Study of the Downtown Joliet Floodplain Map Modernization  
(Council Memo #586-09)

A communication from the City Manager contained his recommendation that the Mayor and Council award this contract to Joseph A. Schudt & Associates in an amount not to exceed \$29,000.00.

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

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

10. Citizens to be Heard

- a. Beverly Bridges re: Carport at 502 Garnsey Avenue

Ms. Bridges said she received a letter stating that a building permit was never obtained for the carport at her address and she was instructed to remove it by July 16<sup>th</sup> or a fine would be imposed. She said she was told she didn't need a permit by the place she bought it from and she paid about \$1,000 for it 10 years ago. She said she would have gotten one if she knew she needed it. She said it is not an eyesore and is enclosed by a 6 foot privacy fence. She said it is a sound and well put together structure with 6 foot barbs holding it down. She said there are businesses around town that have similar structures. She said she is asking the City to reconsider their decision for her to tear down her carport and she said as of June 30, 2009 there is still not a City Ordinance with a number stating that it is illegal for them to obtain and use these carports.

COUNCILMAN UREMOVIC said obviously this has been here for nine years and hasn't bothered anyone and he would like somebody to inspect the property and come back with a report. He said he would like them to take this letter away and it's not necessary to cause this kind of grief.

The City Manager said that one thing we have with property maintenance cases and building code cases is that everyone likes to be treated equally. He said the reality is when it comes to these cases, one size does not fit all and for all of the carport cases that we brought to you a few months ago we really didn't distinguish between Mrs. Bridge's carport and some of the others that are much more offending than this one may be, and this one may not even be offending, but it is difficult because you have to draw lines and that becomes very difficult for staff because a lot of times we're expected to treat everybody equally and he thinks that's what happened here. He said we'll work with Mrs. Bridges on this and we'll let you know how it's going to be resolved and if it looks like we're going

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to be moving forward to try to have the carport removed, he's sure we'll give Mrs. Bridges another opportunity to come back and revisit the issue.

b. Deanne Mesquita re: Sewage Backup in Basement at  
1209 Pennsylvania Avenue

Ms. Deanne Mesquita of 1209 Pennsylvania Avenue said she has had a situation going on for about 3 ½ years and has been getting sewer backup in her basement 3 or 4 times a year. She said she lost everything she owns in the basement each time. She said she contacted the City emergency department 15 to 20 times regarding these backups and was told each time nothing could be done for her; that the sewers are too small in her neighborhood and there must be something wrong with the house. She said on March 8<sup>th</sup> she went to work and came home to 2 ½ feet of sewage in her basement after a very heavy rain. She said when she first moved in she wasn't getting water in the basement, but it has been getting progressively worse over the years. She said the event of March 8<sup>th</sup> financially wiped her out and she lost her air conditioner, washer, dryer and all of her children's things.

Ms. Mesquita said she submitted a claim to the City with estimates and had the City plumbers come out and check the area and they recommended an overhead sewer system be installed in her basement and they said that would be the only way the problem would be solved. She said they cleared her home and there is nothing wrong with her home that is causing this to happen. She said it actually turned out to be a problem with roots growing in the sewer system by Plainfield Road. She said she talked to John Wise of the Legal Department after she submitted the claim and he said they were waiting on Director of Public Utilities Jim Eggen to make her an offer to help her fix her basement. She said she talked to him in the first week of June and then on June 19<sup>th</sup> she came home again to about 3 feet of sewage in her basement. She said she has been displaced from her home due to this because she once again lost her air conditioner and the temperature in her home was 102 degrees.

MAYOR PRO-TEM TURK asked if any of her neighbors get back up.

Ms. Mesquita said they were getting back up. She said this neighborhood was identified as a problem area so there was a program where they installed separator sump pumps and she had this installed from the previous homeowner in 2007. She said Mr. Eggen told her if her neighbors get on board with this that would resolve the problem in her basement and so she did that. She said they all had them installed and they are not getting water but for some reason it is coming in to her basement.

Mr. Eggen said this neighborhood has had a history of surcharging. He said because the previous owner had done the work there was something else going on at this house. He said once they did the separation in the neighborhood we saw results at many of the houses but not at Ms. Mesquita's house. He said looking into it further after she filed a claim in early March, which was the worst incident that happened, they did some checking through the rest of the sewer system to make sure there wasn't some other kind of blockage and they found some tree roots. He said tree roots in the system will allow normal dry weather flow to flow out like normal but when excess water gets in during a rain storm, it creates enough of a restriction that the water has to go somewhere.

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COUNCILMAN GIARRANTE asked where were the tree roots at and Mr. Eggen said they were on Colorado just before it tied into Wyoming.

Mr. Eggen said Ms. Mesquita's house may be the first one that doesn't have an overhead system so she sees the brunt of the situation. He said they got the line cleaned out, televised it and got the roots removed and he thought that would have addressed the situation. He said in talking with her that wasn't something she doesn't have control over so we were working with her on the claim she had filed with the rain storm that happened on June 19<sup>th</sup> when she received another back up. He said they are looking at more of a permanent solution. He said they are a little bit hesitant in just putting in a overhead sewer system because while it's going to solve Ms. Mesquita's problem, it's going to push it in to the next house down the street. He said that's why they've tried to find out where the water is coming from and keep it from getting into the system or else they would have to build a bigger sewer all the way down the line. He said in this case because they have identified part of the problem with the root obstruction, he thinks there is room where they can work with her to come to some kind of solution, but because it's filed through a legal claim he doesn't want to discuss any details right now. He said as far as the overall issue with that neighborhood, we have gained a lot of success with the footing tile separation but we're not done; there are still other issues that need to be identified to keep the water out of the system whether it's a house by house inspection for leaking plumbing systems or some other issue. He said that's still something we need to address in the future.

COUNCILMAN GIARRANTE asked what is she supposed to do in the meantime.

The Corporation Counsel said there is a legal claim pending and he does have a tentative recommendation he could discuss in executive session and we could resolve this as a claim issue.

COUNCILMAN GIARRANTE asked what are we going to do to alleviate the problem.

The Corporation Counsel said a capital improvement project of some sort.

COUNCILMAN BROPHY said short of digging up the entire sanitary line with larger lines from every house and a larger main line, is there any way to take the volume from a certain neighborhood at some point and do a transfer station or pump house and give it somewhere to go temporarily and then put it back into the system when the surcharge is over.

Mr. Eggen said there are alternatives to do something like that but nobody really wants to have a facility like that in their backyard. He said there's buying property and having that kind of storage and different issues that would have to be addressed. He said it could be something similar to what we're going to be proposing later this year with a project at Black Road and Bronk to solve that situation.

COUNCILWOMAN QUILLMAN asked Ms. Mesquita how long she has lived in her home.

Ms. Mesquita said since November of 2003.

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COUNCILWOMAN QUILLMAN asked if she had a problem then or just a little seepage.

Ms. Mesquita said not until the fall of 2005 when she spoke with Mr. Eggen and 2006 was very bad and then most recently with the last two incidents. She said after June 19<sup>th</sup> she asked several people from the City to help her clean her home. She said this has been so financially devastating that she came home on June 19<sup>th</sup> and realized her water had been shut off due to non-payment.

COUNCILWOMAN QUILLMAN asked if she has had anybody come in to remove the mold.

Ms. Mesquita said she has had somebody come in and that was a claim submitted prior to the June 19<sup>th</sup> incident. She said when they came to look at the mold they also told her she has raw sewage behind her walls and she really needs to have the basement gutted. She said after she had the air conditioner fixed the smell comes up through the house. She said she has a letter from her child's doctor about the mold issues he has.

COUNCILWOMAN QUILLMAN said this is definitely a health issue and she obviously needs help. She said hopefully we can come to some resolution and help this lady.

The Corporation Counsel said at our next executive session we'll be able to discuss the details. He said this is a more complicated case and is a unique situation and a little more difficult than some of our other basement claims.

c. Tony Grate re: Bus Benches

Mr. Grate did not appear at the meeting.

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

The City Manager explained Council Memo #562-09 dealing with filling the positions of Maintenance Foreman II, Deputy Police Chief, Police Lieutenant and eight Police Sergeant positions.

The City Manager said once the Maintenance Foreman II position is filled from within through the contractual process in Local 440's contract, his recommendation is not to fill the subsequent position that will be open. He said regarding the Police Department positions, we have had 32 employees retire or resign and he has asked the Police Chief to develop a reorganization plan which he has done and he has come back with a request to fill 8 Sergeant positions, one Lieutenant position and the Deputy Chief position at this time. He said he is recommending that we proceed with the filling of those positions with the promotions, but not to fill the subsequent vacancies that are left as the result of the promotions at this time due to the budget crisis.

COUNCILMAN GIARRANTE asked about the Deputy Chief position. He said this is the total number and if someone is made the Deputy Chief is that position then going to be filled and so forth.

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The City Manager said yes. He said he is asking for authorization to fill ten positions in the Police Department that are currently vacant. He said there are a total of 32 that are vacant right now and he is requesting that we do 10 promotions, but there will still be 10 vacancies in existence at lower levels once we've gone through the promotion process with the Fire and Police Board, so we will not be advertising for or hiring any new police officers to be appointed.

COUNCILMAN SHETINA said apparently there is a new deployment structure of some sort and he asked if these 10 empty spots fit in with the new structure.

The City Manager said they do. He said he has asked the Chief to maintain security at the patrol level and make sure we have coverage with the current complement of police officers on the street 24/7 and the reorganizational plan the Chief has submitted does that. He said we will be looking at other units to fill these positions to make sure we've got the complement of employees we need on the street to protect the citizens.

The City Manager advised that the developer is requesting that Council Memo #572-09 dealing with an Amendment to the Development Agreement for Central Park Subdivision be tabled to the July 21, 2009 Council meeting.

COUNCILMAN GIARRANTE moved that said item be tabled until the July 21<sup>st</sup> Council meeting.

Motion seconded by COUNCILMAN BROPHY.

COUNCILMAN BROPHY asked if are we going to discuss it on July 20<sup>th</sup> and if so, he suggested that this be tabled to July 20<sup>th</sup>.

COUNCILMAN GIARRANTE amended his motion to table this item until July 20<sup>th</sup> and COUNCILMAN BROPHY amended his second.

Motion carried by the following vote:

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

NAYS: NONE.

11. Presentation of Water and Sewer Rate Proposal

The City Manager said this is probably a 30 minute presentation and he asked the Council if they would like to hear this tonight due to the length of today's meeting.

MAYOR PRO-TEM TURK said he would like to hold off on this and have the information forwarded to the Council so they can review it before they do the PowerPoint presentation.

The City Manager said we will forward the actual PowerPoint presentation to the Council. He said he would like to move the request forward for the water and sewer review fairly soon. He said our request is to have new rates go into effect October 1<sup>st</sup> and to do that we need about a 45 to 60 day lead time.

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The City Manager advised there was a need for a closed session to discuss personnel, land acquisition, pending litigation and collective bargaining.

COUNCILMAN SHETINA moved that the Council recess to closed session at 5:25 p.m. to discuss personnel, land acquisition, pending litigation and collective bargaining after which the meeting will be adjourned.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

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ARTHUR SCHULTZ  
Mayor

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JANET K. TRAVEN  
City Clerk

Recorded on Tape