

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 3<sup>rd</sup> day of August, A.D. 2010***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Tuesday, August 3, 2010 at 6:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

INVOCATION

An Invocation was delivered by Pastor David Latimore, Mt. Zion Baptist Church, 402 Singleton Place, Joliet, Illinois.

Pastor Latimore then led the pledge to the flag.

ROLL CALL

PRESENT: MAYOR ARTHUR SCHULTZ 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, COUNCILWOMAN AT LARGE JAN QUILLMAN, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA, COUNCILMAN AT LARGE MICHAEL F. TURK and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ABSENT: NONE.

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

APPROVAL OF MINUTES

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

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

COUNCIL COMMITTEE REPORTS AND AGENDA ITEMS

A. Communication, Technology and Information Systems

COUNCILMAN BROPHY asked Director of Marketing & Communications Ben Benson to give a report of the Committee meeting that was held on July 21, 2010.

Mr. Benson stated that the Committee discussed the City of Joliet website improvements and online water billing and payments. He stated that outdoor advertising and recycling programs were discussed along with a potential TV monitoring program at Union Station. He said that the Committee also discussed Council Chamber improvements including insulated microphones which the Committee did vote to approve, and he will have a Council Memo prepared for

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full Council approval at the next meeting.

COUNCILMAN BROPHY stated that the Committee discussed the use of public right-of-ways for certain services with advertising and asked the company, Creative Outdoor Advertising of America, to provide more information. He said that he would like the Council to read the information about them that Mr. Benson puts in their mailboxes and provide feedback to the Committee. He said the Committee is looking at some of the possibilities that other communities have done and the City would be providing a service and also creating some revenue for the City.

**B. Public Safety**

COUNCILMAN GIARRANTE stated that the Committee met before tonight's Council Meeting and reviewed the repair of the apparatus floor at Station No. 5. He said that the station is quite old and the floor has a serious crack in it and it needs to be torn up and replaced before an injury occurs. He said that the low bid is for \$13,000 and that will come to the Council at the next meeting. He said that the Committee also discussed the hiring of a Construction Manager for the new Fire Station No. 3. He said that R. Berti is the low bidder at \$123,700.00 which is included in the total cost of the building. He stated that R. Berti will then bid the work individually and come back to the Council with a complete package and total cost for a decision on whether to go ahead with the construction of the fire station. He said that there was no recommendation on this from the Public Safety Committee.

**C. Public Service**

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

COUNCILMAN GIARRANTE stated that the Committee also discussed some work that is to be done in Silver Leaf Subdivision. He said that Lennar, the developer, has come up with \$667,000.00 for the roadway improvements within the subdivision. He said there will be more money needed for lighting and the City will also go to the developer for that.

There were no other Committee reports.

**APPROVAL OF REGULAR CURRENT BILLS**

**A. Regular Payroll – June 18 – July 1, 2010 - \$3,093,741.37  
(Council Memo #560-10)**

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period June 18, 2010 through July 1, 2010 including a Summary of Overtime and an Overtime Budget Status Report were accompanied by a recommendation from the City Manager that said Regular Payroll be allowed.

**B. Regular Payroll – July 2 – July 15, 2010 - \$3,292,629.01  
(Council Memo #561-10)**

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period July 2, 2010 through July 15, 2010 including a Summary of Overtime and

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an Overtime Budget Status Report were accompanied by a recommendation from the City Manager that said Regular Payroll be allowed.

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

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. AN ORDINANCE Approving the Vacation of a 2' x 24' Portion of a 5' Wide Public Utility and Drainage Easement Located at 1409 Riverhaven Trail as recommended by the Plan Commission was presented and read. (#V-4-10/Dist. #3)  
(Council Memo #562-10)

COUNCILMAN SHETINA moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16679)

2. AN ORDINANCE Approving a Special Use Permit to Allow Additional Microwave Dishes and Antenna on an Existing 155' Tall Commonwealth Edison Transmission Tower Located at 1912 Black Road as recommended by the Zoning Board of Appeals subject to the following condition was presented and read: 1) The applicant must post a bond in the amount of \$5,000.00 prior to the issuance of the building permit for the proposed work. The bond will be utilized for the removal of the tower and equipment in the event of future abandonment. (#2010-22/Dist. #2)  
(Council Memo #563-10)

COUNCILMAN TURK moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16680)

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3. AN ORDINANCE Declaring the following properties as Public Nuisances and authorizing application to the Circuit Court for demolition, injunction or other relief was presented and read:  
303 N. Hickory Street and 204 Rowell Avenue.  
(Council Memo #564-10)

COUNCILMAN DORRIS moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16681)

4. Ordinance re: Designating 512 Knox Place as a Local Landmark  
(Council Memo #565-10)

COUNCILWOMAN QUILLMAN asked if the Preservation Commission or the homeowner were notified that this was on the agenda tonight because no one was in attendance.

The City Manager said the homeowner would be invited to attend the next meeting if the Council would like to hold off on voting on this item until then, and there were no objections.

**B. RESOLUTIONS**

1. A RESOLUTION Appropriating Motor Fuel Tax Funds in the amount of \$35,153.27 for the 2010 Pavement Marking Program was presented and read. (Section No. 10-00434-00-ST)  
(Council Memo #570-10)

COUNCILMAN DORRIS moved that said Resolution be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6408)

2. A RESOLUTION Authorizing Certain Employees of the City of Joliet to Sign Checks, Vouchers and Warrants on Behalf of the City of Joliet and Designating Financial Institutions to be Used as Depositories for City Funds was presented and read. (Addition of Finance Director Rachel Mayer as Signatory)  
(Council Memo #571-10)

COUNCILMAN BROPHY moved that said Resolution be adopted.

Motion seconded by COUNCILMAN DORRIS.

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Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN SHETINA stated that there have been problems in neighboring communities with respect to inappropriate financial actions. He asked what sanctions are in place to protect the City's funds and how many people sign off on funds.

The City Manager stated that this Resolution is being brought to the Council because of a change in personnel. He said the City has a new Finance Director, Rachel Mayer, taking the place of Hugh Brennan. He said that through the hiring process, the City did a thorough background check considering her important position in handling funds for the City and that included a criminal background and credit history check.

Director of Management and Budget Ken Mihelich stated that he, Rachel, the City Clerk and the Deputy City Clerk have authority to sign off on funds. He said for certain thresholds and payments or vouchers, the bank will confirm those transactions. He said that the City also has bond insurance for some of the actions and also everything that is spent is reported to the Council each month with the Treasurer's Disbursements and the Regular Claims. He said there are a lot of procedures that are in place.

COUNCILMAN SHETINA asked what the minimum number of signatures is to send a check out.

Mr. Mihelich stated that all of the checks require two signatures but those are signed electronically. He said on average, there are probably 1,000 checks a month for Accounts Payable and 2,000 for Payroll. He said that when the vouchers are prepared, a signature is required from the department making the request and he or Rachel will approve it and then the Accounting Department runs the checks and they look for signatures also.

(RESOLUTION NO. 6409)

3. A RESOLUTION Amending the Resolution Authorizing the Sale of Neighborhood Stabilization Program (NSP) Property Located at 1300 N. May Street was presented and read.  
(Council Memo #572-10)

COUNCILMAN GIARRANTE asked for a brief explanation.

Director of Neighborhood Services Alfredo Melesio stated that what happened with this house has never happened to the City before. He said that the bank that was supposed to be doing the mortgage could not close and the borrower had to go to another bank and that bank appraised the home for a lower price. He said the deal was all done but they needed to come back to the Council for another approval because of the sale price being lower than the original Resolution.

COUNCILMAN DORRIS asked if the lower price is just based on the appraisal.

Mr. Melesio said yes. He said that the City wants to do right by the buyer and

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close on the house even at the lower price.

COUNCILMAN SHETINA stated that obviously there was a deficiency in the appraisal amount so the bank would not close on the amount that it was sold for. He asked if the City got another appraisal or tried another bank.

Mr. Melesio said that it was difficult for the City to work with the buyer and try to sell her a house that the bank would not appraise at the agreed upon purchase price. He said it was also difficult to explain to the federal regulators why the City could not close because it is still within the program guidelines to allow for a reduced price.

COUNCILMAN BROPHY stated that this may be a first for the City but this happens quite frequently. He said that many transactions in the real estate world are not appraising out and with regard to NSP loans there are only a few lenders that can do the loan with the grant being a soft second mortgage. He said the buyer went to a lender that probably did not look at the mortgage closely until the end of the transaction and that happens a lot. He said the fact that the second appraisal came in lower than the first is again not surprising in this market and is a very common occurrence today.

COUNCILMAN GIARRANTE moved that said Resolution be adopted.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6410)

4. A RESOLUTION Appropriating Motor Fuel Tax Funds in the amount of \$136,519.00 for the 2010 Roadways Resurfacing Contract was presented and read. (Section No. 10-00432-00-RS)

(Council Memo #573-10)

COUNCILMAN BROPHY moved that said Resolution be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6411)

5. A RESOLUTION Approving and Authorizing an Addendum to the Lease Agreement with Bussean Custom Caterers, Inc. for the Operation of a Banquet and Catering Facility at Joliet Union Station was presented and read.

(Council Memo #574-10)

COUNCILWOMAN QUILLMAN moved that said Resolution be adopted.

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Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN BROPHY stated that he thinks Mr. Bussean has done a fine job with both Union Station and the Haley Mansion. He said that Mr. Bussean is a good and valuable tenant so a concession like this is reasonable in these market conditions and he votes aye.

Prior to his vote, COUNCILMAN SHETINA asked what changes were made to the lease with this addendum.

The City Manager stated there is now a \$4.00 per head charge; previously it was a set amount based on the number of attendees. He said that Mr. Bussean was looking for some flexibility in the pay scale to try to attract some smaller events and going to a per head basis gives him the flexibility to compete with other facilities in the area.

Prior to his vote, COUNCILMAN UREMOVIC stated that Mr. Bussean has done a great job and he votes aye.

(RESOLUTION NO. 6412)

BIDS AND CONTRACTS

A. Award of Contracts

1. Authorization to Approve the 2010-2011 Rock Salt Purchase Contract  
(Council Memo #579-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve entering into the Joint Purchasing Agreement with the State of Illinois and Morton Salt to purchase bulk rock salt at a unit price of \$57.96 per ton; and 2) Approve an additional amount of funding in the amount of \$317,189.62 for bulk rock salt purchases for the winter season of 2010-2011.

COUNCILMAN SHETINA asked if there was some sort of guarantee in this contract for the City to receive more salt than what is ordered.

The City Manager said this contract is with the same company that serviced the City during the 2009-2010 winter and it is locked in at the same price as last year. He said the City is guaranteed a certain allocation and then can go above that if there is a bad winter.

COUNCILMAN TURK stated that two years ago there were issues but last year with Morton there was no problem with the delivery.

2. Award of Contract for the Dismantling and Transportation of the No. 302 Blower from the Eastside Wastewater Treatment Plant to the Roots Service Center in Connerville, Indiana  
(Council Memo #580-10)

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A report on two proposals received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to C&T Construction, Inc. in the amount of \$14,565.00.

3. Award of Contract for the 2010-2011 Landscape Restoration Program  
(Council Memo #581-10)

A report on five bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to ASE Illini-Scapes, Inc. in the amount of \$22,314.00.

4. Approve Payment for Repairs to Sewer Division Vactors (Units SC027 and SC028)  
(Council Memo #582-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the payment for the repairs to Standard Equipment in the amount of \$36,415.83.

5. Authorization to Repair Utilities Vehicle  
(Council Memo #583-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract for the repair of Vehicle Unit W030, a 1997 Case Backhoe/Buster 580L, to McCann Industries in the amount of \$14,505.49.

6. Award of a Professional Services Contract for the Construction Management of Fire Station No. 3  
(Council Memo #584-10)

A report on six companies that submitted proposals to provide Construction Management Services for Fire Station No. 3 contained his recommendation that the Mayor and Council award the contract to R. Berti Building Solutions in the amount of \$123,700.00.

The City Manager stated that Rich Berti, Tom Grotovsky and Joe Kozlowski from R. Berti Building Solutions and architect Brett Mitchell were present to respond to questions.

The City Manager said this project has received a \$1.16 million grant from the Federal Emergency Management Agency (FEMA) and is part of the stimulus package that was approved in the Spring of 2009 which was designed to create jobs, stimulate the economy and also to promote public safety which in this case is building fire stations that have long been planned, but due to the economy, have not been funded. He said the City has allocated \$600,000 in the 2010 budget to cover the City's portion for the construction of a new fire station at the Chicagoland Speedway on Laraway Road east of Route 53. He said the land was donated by the Speedway and the station is designed to serve not only the near Southeast side of Joliet but also the CenterPoint Industrial area. He said this station will replace the existing station on Grover Street and the equipment and personnel will transfer to the new station. He said the City's recommendation was to use a construction manager process as opposed to a

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general contractor process to give the City some flexibility in trying to contain costs, promote a competitive bid process with local contractors and bring the project in under budget.

COUNCILMAN DORRIS stated that as he has said all along, we do have the grant for this project but with what the City is facing in this year's budget alone, maybe the City should not relocate this fire station. He said that the Council promised the taxpayers last fall that they would only spend money that was absolutely necessary and the Council has been told that this station will not be in full use for another five to ten years, but because there is a grant, it is going to be built now. He said that he thinks there are better places to put the City's money.

COUNCILWOMAN QUILLMAN stated that the City is going to build this because of CenterPoint, Dollar Tree and the Chicagoland Speedway who would all benefit, and she asked if the insurance premiums of these companies would decrease because of the new station.

The City Manager stated that the City has asked CenterPoint for information on that and CenterPoint has indicated that the presence of a fire station will help with insurance ratings for the industrial complexes as these facilities do have sprinkler systems and other fire suppression systems but the station will help. He said that CenterPoint is also using the proposed presence of the fire station as a marketing tool to show that the City is able to service the industrial park.

COUNCILWOMAN QUILLMAN stated that if the project manager company can not bring the project in at what the budget is for, then the City will be out the \$123,700.00. She asked if the City has gone to CenterPoint, Dollar Tree or Chicagoland Speedway and asked them to contribute to the construction cost of the fire station since they are going to benefit and the City does not have residential homes in this area. She said that we would be taking a fire station out of a highly populated area and when the project was originally planned there were also plans for more homes and the Autobahn was planning to build condos. She said the need for a station is seasonal right now with the racetrack and there are paramedics and fire trucks stationed at the track during events.

The City Manager stated that the process will keep the Council involved throughout the project and this is the next step in the process of trying to contain the cost by having the construction manager come to the City with a guaranteed maximum construction cost. He said R. Berti is aware of the number they are working with and if they can not do the project for that price, then the City can cancel the project. He said then the City would not owe the whole \$123,700.00 to R. Berti, the City would only owe them for their time spent working on the plans for the project.

COUNCILWOMAN QUILLMAN stated that the money the City is going to pay R. Berti could be used to remodel Station No. 3 which is in dire need of remodeling.

The City Manager stated that Station No. 3 needs substantial remodeling but it would still be an undersized station that is not equipped to handle the challenges today in paramedic and firefighting services which is why this station was identified ten to twelve years ago as needing to be replaced.

COUNCILWOMAN QUILLMAN asked if the City has contacted CenterPoint and Dollar Tree about contributing to the cost of the station.

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The City Manager said he has and the City is working on it. He said he is confident that the companies will participate but he does not have a dollar amount as of yet.

COUNCILWOMAN QUILLMAN stated that she can not see wasting taxpayer money on something that isn't needed at this point.

COUNCILWOMAN BARBER asked if any minority contractors have been contacted to participate.

The City Manager stated that the City has had extensive conversations with the construction manager staff and have already discussed making an outreach to the community and having minority contractors involved. He said this is much like on the road contracts with the 10% minority requirement for any contract over \$100,000.00.

COUNCILMAN DORRIS stated that he has been contacted by some minority contractors that have been in contact with R. Berti.

COUNCILMAN GIARRANTE stated that with all due respect to COUNCILMAN DORRIS and COUNCILWOMAN QUILLMAN, he has faith in Fire Chief Formhals that he knows what he is doing, he knows the station may be a little premature but he also knows that if the City turns down the \$1.1 million grant, some time down the road the City will have to go to the taxpayers for the money. He said when Chicagoland Speedway decided to build in Joliet the City asked them for a land donation to build a fire station and that was in 2001, and back then the City knew there was going to be a need for a fire station in that area. He said he has faith in Chief Formhals and if the Chief feels that this is needed, rather than going to the taxpayers in a few years, the City has a chance to get \$1.1 million towards this project. He said if the project is over budget then the Council can turn it down, and at this time they are just looking at hiring a construction manager to put the project out to bid and when the bids come in the Council can decide at that time whether to move on it or not.

COUNCILMAN DORRIS said that with all due respect to COUNCILMAN GIARRANTE and Chief Formhals, Chief Formhals does not answer to the taxpayers, the Council does, and Chief Formhals did not make the commitment that the City would watch every penny, the Council did. He said that ten years ago the former Fire Chief discussed building a station on the Southside because there was going to be significant growth, and that growth did not happen. He said that the City knew that the growth would happen eventually so when the Speedway came to town, the City was able to get the land for the fire station but it is still going to be five or ten years before the City would use that station. He said that the City has a crisis now with its financial position, they have asked for concessions from the unions and there is no way of telling when the turn-around is coming, it could be 2011 or 2012, and if this Council decides to build the station then they build it but he has to express that the Council needs to consider the project. He said that the Council knows that right now the City is in dire straits, as is almost every city in the State of Illinois, and the State probably owes the City \$4 million for this year that has yet to be received and he believes that the City should be diligent in the way it spends money, especially on a station that will not be used for five to ten years.

COUNCILWOMAN QUILLMAN asked the Corporation Counsel to explain about

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the grant money and how that will work with using local contractors.

The Corporation Counsel stated that this project will be partially financed with FEMA money and it is a federal grant, and the federal government prohibits local governments from mandating a local preference. He said that the City's standard bidding ordinance does not have a local preference in it, it has always essentially been on a low bid basis. He said that he wanted it to be clear that the construction management format is useful and produces better prices for the City but it should not be decided upon just because of the local preference issues because FEMA won't allow that.

COUNCILWOMAN QUILLMAN stated that the bids could come from all over and anyone could get the job depending on who comes in with the lowest bid.

The Corporation Counsel stated that what is different about the construction manager format is that the City will hire one company, in this case R. Berti, and it is known upfront the maximum amount of money the company will be paid to deliver the fire station. He said in this case R. Berti is going to do all of that work for \$123,700.00 and R. Berti, knowing that is what they will receive and knowing the guaranteed maximum price, will have to find the contractors to deliver the station at that price. He said if they can not make that commitment upfront, then R. Berti wouldn't get the \$123,700.00 and the City does not have to build the fire station. He said all that R. Berti would be entitled to is a little bit of compensation for their pre-construction time and trouble in trying to assemble the bid packages necessary for them to make the guaranteed maximum proposal.

COUNCILWOMAN QUILLMAN asked if the City had a ballpark figure of the cost to R. Berti if the project does not go through.

The Corporation Counsel stated that he does not have that cost but in the scheme of the project budget it would be minimal. He said the construction manager would be entitled to fair compensation for their time and getting bid packages but it would be a small percentage of the \$123,700.00 because there is only a little bit of pre-construction work that they would have to do to make their final recommendations. He said the majority of the fee is in managing the construction and the payouts of all of the subcontractors and making sure that what is built matches the construction documents.

COUNCILMAN TURK asked what the time frame is as far as knowing the cost of the project if this agreement is approved.

The City Manager stated that it would be about four to five weeks. He said that winter is coming and there are some things that they would like to get completed before then to be able to complete the station for next year. He said there is no hard deadline other than they would like to get the project going and help stimulate the economy since there are a lot of local contractors calling wanting to know when it will be going out for bid. He said that is why they are trying to move this along because along with working with FEMA there is a lot of red tape and the City is going to keep working on this project because it is a great way to leverage \$600,000 and end up with a capital investment that will serve the public for the next forty to fifty years.

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

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Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE, except COUNCILMAN DORRIS and COUNCILWOMAN QUILLMAN who voted no on Council Memo #584-10.

Prior to her vote, COUNCILWOMAN QUILLMAN stated that for the reasons she stated earlier, again the Council is accountable to the taxpayers and if it does not go through and come under budget, we are still throwing away \$5,000 to \$10,000 and we need to watch every single penny and she doesn't know how the City is going to make the budget this year. She said there are too many variables, they have no idea what the construction costs are going to be, they have already moved the location of the station across the street, there is a gas line that needs to be moved and other utility lines that need to be moved and the City still doesn't know what those costs are. She said she doesn't know how the City can build a substantial, quality station for that amount of money and it's something that the City may not need for ten to twenty years, so at this point she will have to vote no.

Prior to his vote, COUNCILMAN SHETINA stated that he is sorry this was turned into a political issue rather than an issue of dollars and cents. He said it makes all the sense in the world if we have a grant for this amount of money and the City has the money set aside for the building, contractors are bidding very low and this is the most opportune time to be building given the circumstances with respect to the costs. He said this is a matter of economics for the City and he thinks it is important that the City takes advantage of a situation where we have the opportunity to get a million dollars from other people and an opportune time for the bidding. He said he will support this wholeheartedly.

Prior to his vote, COUNCILMAN UREMOVIC stated that the staff has done a great job and if the numbers don't come in then the project doesn't move forward.

The City Manager stated that is correct, if the project comes in at \$2.5 million rather than \$1.7 million, it is likely staff will recommend against it. He said there would be a fee the City will pay to the consultants that have helped in the process but the City wouldn't take this step if the economic times weren't such where the contractors will be bidding very low.

Prior to her vote, COUNCILWOMAN BARBER stated that she also feels that this is not a good time to build the fire station but she also knows that it is a good deal and down the road the City will need it.

Prior to his vote, COUNCILMAN BROPHY stated that he listened to responsible arguments on both sides of this issue and he feels that the greater good is served by preparing wisely for the future. He said he thinks the City's corporate citizens are as equal as the individual residents as they are both taxpayers and it is the City's job to protect them and the thousands of workers that will be in that area will have the benefit of close ambulance service if they need it just as every employee around town does as well.

B. Amendments, Change Orders and Payments

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1. Approve Payment for the Emergency Repairs of Gravel Well 102  
(Council Memo #587-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve an increase to Purchase Order No. 108181 in the amount of \$10,410.00; and 2) Approve the payment of \$11,400.00 to Layne Christensen Company Inc. for the emergency repairs to Gravel Well 102.

2. Approve Change Order No. 3 for the 2010 Roadways Resurfacing Contract  
(Council Memo #588-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 3 in the amount of \$136,519.00 on behalf of P.T. Ferro Construction Co.

COUNCILWOMAN QUILLMAN asked for an explanation.

Director of Public Works Jim Trizna stated that in this year's budget, \$1 million was set aside for roadway reconstruction and \$500,000 was set aside for resurfacing. He said the City had very good prices come in for the resurfacing contracts with savings around \$125,000, and there were savings in the recently awarded roadway reconstruction projects. He said the City kept a contingency for any change orders on the reconstruction projects and still has enough money to do a few more resurfacing projects and take advantage of the good price from the resurfacing contractor.

COUNCILMAN BROPHY stated that the surface area in some places is failing. He said the 1000 block of Westminster has a patch of road that appears to have melted sideways and he asked if there is any guarantee from the contractor.

Mr. Trizna stated that the contractor's work is guaranteed for one year.

COUNCILMAN BROPHY stated that this particular area is brand new, probably about a year old.

COUNCILMAN BROPHY stated that he received a letter from a resident of the 1300 block of Devonshire and it is in great need of repair.

3. Approve Change Order No. 1 and Payment Request No. 1 for the 2010 Pavement Marking Program  
(Council Memo #589-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$35,153.27 and Payment Request No. 1 in the amount of \$106,830.61 on behalf of Mark-It Striping Corporation, Inc.

4. Approve Change Order No. 1 for the 2010 Lawn Mowing Services Contract (Public Utilities)  
(Council Memo #590-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$3,940.00 on

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behalf of From the Ground Up Construction.

5. Approve Change Order No. 1 for the Rehabilitation of Neighborhood Stabilization Program Property at 1024 Barthelme Street  
(Council Memo #591-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$5,144.37 on behalf of Paul Gabriel Construction.

6. Approve Change Order No. 2 for New Construction of a Single Family Home at 1300 Arthur Avenue  
(Council Memo #592-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$3,015.26 on behalf of Paul Gabriel Construction.

7. Approve Change Order No. 4 to the Contract for Weed Cutting and Clean-Up of City Owned Properties  
(Council Memo #593-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 4 in the amount of \$385.00 on behalf of From the Ground Up Construction.

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

**LICENSES AND PERMIT APPLICATIONS**

- A. Transfer of a Class "A" Liquor License at 1214 N. Raynor Avenue  
(Council Memo #596-10)

A communication from the Liquor Commissioner regarding the application of Mary Beth Charley d/b/a Riley's Bleachers Pizza & Pub for the transfer of a Class "A" Liquor License at 1214 N. Raynor Avenue (formerly Garnsey III) did not contain a recommendation from the Liquor Commissioner due to the fact that he lived behind this business for several years and still has a rental property there.

COUNCILMAN GIARRANTE stated that there was work being done in the building and he asked if permits were obtained; he is concerned that everything is done right.

Deputy Liquor Commissioner Jim Greenan stated that before the license would be granted, the building would have to meet all of the City's codes.

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Ms. Mary Beth Charley stated that after speaking with Inspections Director Dave Mackley and telling him what was being done inside the building, building permits were not required, and they did have permission from Mr. Mackley to go ahead with the work. She said since then the Building Department and the Fire Department have conducted inspections and they have passed both inspections with no violations. She said the only other inspection is from the Will County Health Department and they will not inspect until the business is ready to open.

COUNCILMAN GIARRANTE stated that the information he has states the last fire inspection was conducted on May 6, 2008.

Ms. Charley stated that an inspection has been conducted since then and she has a copy of the paperwork with her.

Deputy Fire Chief Ray Randich stated that the Fire Department received a notice from Ms. Charley stating the business would have to be inspected prior to this Council meeting and an inspection was conducted last Friday and there were no violations on the building.

COUNCILMAN SHETINA stated his concern is the history of the location and it is difficult to make a living from a neighborhood tavern, he hopes she has a good secret of how to run a neighborhood tavern.

Ms. Charley stated that her brother Tom Charley has been in business for 32 years running a neighborhood establishment. She said they want to do this business a little differently and formulate it more like Maurie's Table; they want it to be family friendly and are going to have games inside for the kids and are considering having batting cages outside in the parking lot. She said that they have worked closely with a lot of the neighbors and have reassured other neighbors that anything that was not up to their standards would be addressed.

COUNCILMAN SHETINA asked if Ms. Charley would be working at the establishment.

Ms. Charley stated that she will be the resident manager and owner and will be there every day. She said she comes with thirty plus years of experience through O'Charley's Irish Pub, she also worked at the Joliet Elks as Club Manager and she worked at the Rialto where she managed up to 2000 people that were drinking, but that is not the type of establishment this is going to be, the upper floor will have games for the kids and the lower level would be the bar.

COUNCILMAN SHETINA stated that if it wasn't for Ms. Charley's experience he would vote no immediately. He said there are a lot of neighbors that are concerned and he asked what kind of constraint can be put in that would give them a period of time to operate and if they don't meet the requirements, it can be closed.

The Corporation Counsel stated that tonight is the decision point for the Council. He said the City does not have the ability to issue a probationary based liquor license and the Council has to make a decision if granting the requested license is in the best interest of the City or not. He said the Mayor has discretion on the license permits whether it is for entertainment, extra hours or the base beer gardens permits, and there has been a practice in the past to delay the issuance of those secondary licenses until such time as the applicant has satisfied everybody that the establishment is being run properly. He said withholding of

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the granting of the base license itself is hard to do and the City does not currently have the ability to issue a probationary license. He said it is an all or nothing approval on the base license.

COUNCILMAN SHETINA asked if the Council could review the ordinances that cover the liquor licenses and establishments and do something with the ordinances to have a probationary license permit that doesn't involve going to the Illinois Liquor Control Commission.

The Corporation Counsel stated that once a license is issued, there has to be just cause to take the license away, whether the business has been open for 1 year or 40 years. He said that it is always a misconduct based decision and that decision would always be appealable to the State in any event and all of the licenses are valid for a one year period anyway.

COUNCILMAN SHETINA asked if the Council could refuse to renew at the end of the year.

The Corporation Counsel said that the City could refuse to renew but there would still have to be just cause because it would be treated as a revocation. He said the leading case is out of Shorewood from years ago; Shorewood treated the renewal as a discretionary act of the Council and refused to grant the renewal and the courts viewed the non-renewal as a revocation and required just cause. He said they will always be stuck with the just cause standard.

COUNCILMAN TURK stated this is a transfer of a license and not a new license, so the current license holder could reopen the establishment without any permits from the City.

Mr. Greenan said that is correct.

COUNCILMAN TURK stated that there is a concern with it being in a neighborhood and its past reputation although Ms. Charley has nothing to do with its past reputation, but if it is truly going to be a family business, one compromise could be to scale back on the 1 a.m. closing time since there will not be a lot of families in there at midnight or 1 a.m. He said an earlier closing time may be more palatable to the neighbors.

Ms. Charley stated that she talked to the neighbors at the Liquor Commission hearing and reassured them that any issues would be taken care of immediately. She said they want to be part of the neighborhood, not against it, and she wants to be able to work with the neighbors. She said it is going to be a family oriented place and it has been a lifelong dream of hers to run a place of her own. She said it will have a kitchen so there will be food and they are going to take care of anything that would upset the neighbors and she has tried to reassure them of that.

COUNCILMAN BROPHY asked if the gravel lot would be required to be paved prior to the opening of the establishment or how much time do the applicants have to pave the lot.

Ms. Charley stated that the lot would be completed by opening day; it is already cut out and just needs to be patched in.

COUNCILMAN BROPHY asked about the drainage and retention requirements

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for the lot.

The City Manager said this is less than an acre so the ordinance would not require 100% compliance, but the City would work with the contractor to build in some detention.

COUNCILMAN BROPHY asked if that would require a permit and the City would have the opportunity to look at it to make sure it is designed right.

The City Manager said that before the blacktop is installed, the City would have a conversation with the contractor to make sure those safeguards are in place.

MAYOR SCHULTZ asked if any of the neighbors present would like to speak.

Mr. Ellsworth Marquardt of 1213 Kelly Avenue stated he has lived there since October 1968 and at the July 14<sup>th</sup> Liquor Commission hearing he presented several documents, one from a Zoning Board meeting in November of 1982, which states that in 1968 the City passed an ordinance that required non-conforming uses to comply with zoning requirements within 20 years. He said at the July 14<sup>th</sup> meeting he asked the legal counsel why the tavern was able to operate for 22 years after the amortization period expired.

The Corporation Counsel said that in 1968 Joliet adopted an ordinance that instead of grandfathering non-conforming uses, the Council gave the establishments a 20 year period to apply for zoning relief, and in 1982 the then owner came to the City and got the zoning relief within the 20 window, so at this point the property has proper zoning to operate a tavern.

Mr. Marquardt stated that over thirty plus years they have been subjected to loud noise, vulgar language, brawls and sexual acts in the parking lot. He said he looked at the area encompassed by Plainfield Road, Theodore Street, Broadway Street and Ruby Street and counted the number of eating establishments, and out of the 35 locations, 23 serve alcohol. He said he would like to know how many parking spaces there would be in the parking lot including handicapped spaces because Ms. Charley stated the establishment would hold 154 people.

Mr. Marquardt said that since Ms. Charley stated she has managed O'Charley's, he had asked for the police calls for service for that establishment and within a 3 year period there were 358 calls. He said they don't need that in their neighborhood and have put up with it for over thirty years. He said his 4 year old grandson stays with them on occasion and he does not want him exposed to that kind of behavior. He said he also has a petition that was signed by the neighbors stating that they do not want the liquor license approved; they are trying to pass off the business as family oriented but that would only be for a few weeks.

COUNCILMAN DORRIS stated that regarding the calls for service for O'Charley's, some of those calls are from people in the establishment calling the police for an accident or other issue outside, but since the call is coming from the establishment they get credit for a service call.

The City Manager said that is correct; there are frequent calls for service from establishments for incidents that occur outside.

Ms. Charley stated that there was an ordinance passed that bars and taverns must call the police if there is any type of altercation on the property, so those

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calls for service could be for various reasons. She said her brother Tom has run a good business for 32 years or he would not still be in business, and she has vowed to the neighbors that she will not allow the past activity to continue. She said the other thing is that this is still a valid liquor license and they could give her a chance, or it could reopen as Garnsey III and have the same problems.

Mr. Mike Tessone of 1206 N. Raynor Avenue stated that he is here to speak on behalf of himself and his disabled father-in-law who lives at 1208 N. Raynor Avenue. He said that the heavy rains from last night flooded his backyard and part of that is the run off from the parking lot and that place needs to be mowed over and replaced with a park or something similar. He said he had to take down a swing set in his backyard because of bar patrons using it, people have driven through his front yard, hit the tree in the front of the house and he has had broken glass all over his yard in addition to the bar noises at all hours of the day and night. He said he shouldn't have to be subjected to the 2 a.m. noise from a bar much less the dumpster being emptied at 4 a.m. He said as the previous gentleman stated, it is a quiet neighborhood and since Garnsey has closed it has been beautiful there, he has been there for five years and did not sleep while the bar was open and since it closed he is able to sleep. He said that he is here asking for his disabled father-in-law and his wife who is ill that the license not get approved, or if it does, for it to close at 8 or 9 p.m. because if it is a family business there is no reason for it to be open until midnight or 1 a.m.

MAYOR SCHULTZ asked Mr. Tessone what he would like to see in the location.

Mr. Tessone said that he has no problems with them having games and food or even the batting cages which they said they would somehow soundproof. He said if they want to make it a family restaurant that is fine with him, he would love to have a restaurant in the neighborhood, but they don't want alcohol there.

COUNCILMAN GIARRANTE stated that as far as the water problem, if it is blacktopped and drained right that would fix the issue. He said he understands Mr. Tessone's concerns but we can not blame the applicant for the problems that have happened in the past.

Mr. Tessone said even if the other bar could reopen with the license, they shut down for a reason.

COUNCILMAN GIARRANTE stated that his understanding is that the current license holder could reopen it and allow Ms. Charley to run it.

The Corporation Counsel said that the license is on inactive status and that the current licensee could reopen the doors tomorrow after putting the license on active status with the Mayor's Office and paying the additional fee. He said it would not be subject to a decision by the Mayor; it would be a clerical act to accept the fee and the business could reopen. He said that licensee would have to maintain control of the business because the City licenses the business.

COUNCILMAN GIARRANTE asked if the current licensee could hire Ms. Charley to run it.

The Corporation Counsel stated they could change the style of the business and restructure their contract, yes.

COUNCILMAN GIARRANTE asked if the City could require the property to be

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fenced in.

Mr. Tessone stated that it is already fenced in on three sides but people still walk in the neighborhood and throw beer bottles into his and his father-in-law's yards and hit trees and drive through yards. He said it is ridiculous that he is subjected to this on a regular basis. He said it is a neighborhood and the bar is in the middle of a neighborhood. He said Ms. Charley compared this to Maurie's Table which is surrounded by businesses, and Garnsey is surrounded on all four sides by residential and the residents are tired of it.

COUNCILWOMAN QUILLMAN asked Mr. Tessone if he understood what could happen if the license is not transferred to Ms. Charley and that the licensee could open the business and it would be in operation anyway.

Mr. Tessone stated that he understands that but there is a reason that the business closed.

COUNCILWOMAN QUILLMAN stated that she would ask Ms. Charley, since the neighbors are all in an uproar, if she could compromise on the hours of operation to appease everyone and she could have her dream and the neighbors could have their sleep.

Ms. Charley stated that is a possibility, but she also turned in a petition to the Liquor Commissioner's Office signed by all of the people on Raynor Avenue with one exception saying they wanted the establishment to reopen.

COUNCILWOMAN QUILLMAN asked if Mr. Marquardt could get the answer he is looking for on the zoning from Assistant Corporation Counsel John Wise so everyone is clear on that.

The Corporation Counsel said that they have the information tonight, the Liquor Commissioner's memo explains that the property was a business before it was annexed to Joliet, it was then annexed and a number of years later the City zoned it residential. He said then the ordinance was passed that started the 20 year time frame for the property and in 1982 the property received a Variation of Use, so it has the legal right under the City's zoning ordinance to operate as a tavern.

COUNCILWOMAN QUILLMAN stated that her other issue is the parking and she asked how many spaces are there for a restaurant. She said this was originally built as a neighborhood tavern where people would just walk there and now that is being changed.

Ms. Charley said that there were 35 spaces and only 3 would be compromised by the batting cages.

COUNCILWOMAN QUILLMAN asked how many handicapped spaces there would be.

Ms. Charley stated that they would have whatever they would be required to have.

COUNCILWOMAN QUILLMAN stated that she wants Ms. Charley to have her dream but she also wants the neighbors to have their sleep and she is trying to balance everyone's needs so as an act of good faith, maybe Ms. Charley could

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compromise with the hours, maybe they could appease everyone.

Ms. Charley stated that is a possibility.

COUNCILWMAN QUILLMAN asked why the Council does not get to see the petitions; they have gotten petitions in the past.

The City Manager stated that the petitions were probably presented at the Liquor Commission hearing and are usually not included with the Council Memo, but they could be added if the Council would like them to be.

COUNCILWOMAN QUILLMAN stated that what she would ask to do tonight is to table this for two weeks and see if Ms. Charley could come up with a compromise with the neighbors and then go from there.

Ms. Charley stated with all due respect, this is her livelihood and she doesn't think that it is fair to hold her responsible for what has happened in the past.

COUNCILMAN TURK said if the license was voted on tonight and denied, is there a certain period of time the applicant would have to wait to reapply.

The Corporation Counsel said yes and he believes it is a one year period.

COUNCILMAN TURK stated that it would probably be in the best interest to wait two weeks and try to work out an acceptable closing time with the neighbors.

COUNCILMAN GIARRANTE stated that is a good point, provided the neighbors are willing to agree, but if they are not willing to agree to go along with it, even with the change of hours, then it's a waste of time. He said the Council would need to know from the neighbors if that is going to appease the people that are against it.

MAYOR SCHULTZ asked Ms. Charley if closing early would hurt the business.

Ms. Charley stated that it would depend on what time, some of the games at St. Joe's Park last until 10 P.M. and she wouldn't want to be closed before those kids have the chance to come over because that is the whole point.

COUNCILMAN BROPHY said with regard to dormant licenses, can the Council legislate a sunset of such license when the establishment sits dormant for a certain amount of time.

The Corporation Counsel said yes, the City Council approved the Liquor Code which established the current rules and allows the Mayor to grant inactive status and to grant an extension of inactive status. He said the Mayor is authorized to place a licensee on inactive status and maintain that status for two years.

COUNCILMAN BROPHY asked when this license went inactive.

Mr. Greenan stated that the license went inactive a year and a half ago.

COUNCILMAN UREMOVIC stated that if there is an agreement to discuss the hours he will second the motion to table.

COUNCILWOMAN QUILLMAN stated that the Council should be able to get all

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of their requested information within two weeks. She asked if they would be able to have a meeting with the neighbors and Ms. Charley and get the information that COUNCILMAN BROPHY is requesting before the next Council meeting.

The Corporation Counsel stated that if it is going to be tabled, he would suggest that it be tabled to the next meeting because then the Council has the ability to grant the license, table it for another two weeks or deny the license.

MAYOR SCHULTZ asked what information is being requested from the Liquor Commissioner's Office.

COUNCILMAN BROPHY stated that he would like to see the actual date that the license went inactive and for the Corporation Counsel to clarify the ordinance that limits the term of the inactive status.

MAYOR SCHULTZ asked the Corporation Counsel if there is an ordinance that explains inactive licenses.

The Corporation Counsel stated that the City's ordinance requires that if you hold a liquor license, you operate a licensed establishment and if a licensee goes inactive and doesn't file for inactive status, the Mayor is authorized to hold a hearing and revoke that license for not being in business. He said the City has a procedure in the code that allows the licensee to go inactive and pay a reduced fee and they are usually trying to find a buyer and generally the licenses go inactive right around license renewal time in January.

COUNCILWOMAN QUILLMAN moved that the application of Mary Beth Charley d/b/a Riley's Bleachers Pizza & Pub for the transfer of a Class "A" Liquor License at 1214 N. Raynor Avenue (formerly Garnsey III) be tabled to the August 16/August 17, 2010 City Council meetings.

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN GIARRANTE stated that part of this table is to try and work out acceptable hours with the neighbors.

COUNCILWOMAN QUILLMAN asked if the City could get a neighborhood meeting together in the Council Chambers.

The City Manager said that the City could help facilitate the meeting.

COUNCILWOMAN QUILLMAN stated that she would like the meeting to be held before the next Council meeting and she would also like to attend.

**MAYOR**

- A. Proclamation re: Proclaiming August 14, 2010 as Knights of Columbus Day

COUNCILMAN UREMOVIC read a Proclamation issued by Mayor Schultz

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recognizing the 50<sup>th</sup> Anniversary of the Joliet Assembly 204 of the Knights of Columbus and proclaiming August 14, 2010 as Knights of Columbus Day in the City of Joliet.

Mr. Joe Sluis of the Joliet Assembly 204 of the Knights of Columbus thanked the Mayor and City Council for their recognition.

MAYOR SCHULTZ left the meeting at this point.

**MAYOR AND COUNCIL COMMENTS**

COUNCILMAN SHETINA asked if the Council could have an update with regard to this morning's storm.

The City Manager stated that the City had 23 streets or intersections that had to be closed in the morning due to the rain. He said the Roadways Division and Public Utilities Department worked on those roads this morning and all of the roads were reopened by 1:15 p.m. He said there were calls for flooded basements, and if it is a problem with the system the City is looking into it, but a lot of the issues are on the property owner's side. He said the City received more rainfall in two hours this morning than is normally received in the entire month of August. He said it was a job well done by the Roadways and Public Utilities Departments.

COUNCILMAN SHETINA stated there were some concerns on Vimy Ridge Drive and he went out to some of those houses and in looking at the field there, the water runs from the field onto the streets of the subdivision and he would like Jim Eggen's staff to talk to the people on the list that he turned in or those that called or emailed. He said he would like to see the City's response.

COUNCILMAN SHETINA stated that he has talked to residents regarding the problems with the Fountaindale Subdivision retention pond that is owned by the City and he would like Public Utilities Director Jim Eggen to talk to those people also.

COUNCILWOMAN BARBER stated that she would like to thank St. Ray's Church for inviting her to their parish picnic on Saturday afternoon and said the food was very good.

COUNCILMAN BROPHY said with regard to the Infantry Road retention pond that serves both Fountaindale and Glenwood Manor, without a homeowner's association in place to take care of that, the City needs to have a budget line item to deal with the maintenance. He said that the debris and lack of maintenance caused the clogging of the outlet so Infantry Drive was flooded with the spill-over and it should be included as a line item in the budget to take care of the pond on a regular basis.

COUNCILMAN BROPHY reported that the Joliet Area Historical Museum received an Award of Merit from the American Association for State and Local History Leadership in History Awards for their exhibit "The Soaring Achievements of John C. Houbolt". He said the Leadership in History Award is the most prestigious recognition for achievement in the preservation and interpretation of state and local history, and he thanked Director Contos and his staff. He said he also received a list from the last 12 months of visitors to the museum from 27 different countries and 35 of the United States, and he read several of the

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comments they wrote complimenting Joliet and the museum.

COUNCILMAN GIARRANTE stated that on July 25<sup>th</sup> he was at the United Cerebral Palsy fundraiser at Babe's Hot Dogs and they had an antique car show and he had several car owners ask why the City no longer had the car show in downtown Joliet.

The City Manager stated that it was fairly expensive for the City and due to the budget it was recommended that the City no longer fund that, but the City did support the Car Show at the Park District for the Taste of Joliet.

COUNCILMAN GIARRANTE stated that he thinks they were referring to the Thursday night car show, not the one held over Father's Day Weekend

COUNCILMAN BROPHY stated that was sponsored by the City Center Partnership.

COUNCILMAN GIARRANTE asked the Corporation Counsel what the City has in place for an owner-occupied, neighborhood nuisance.

The Corporation Counsel said that there's the traditional ordinance where if someone makes a complaint, Neighborhood Services or the Police Department can respond to the complaint and then a citation can be issued and they go to housing court. He said with owner occupied homes there would have to be a complaint or an observation by a police officer and a citation issued and then a prosecution.

COUNCILMAN GIARRANTE asked about keeping solicitors out of a subdivision and whether residents can put signs up on their own property.

The Corporation Counsel said that it depends on what type of solicitation it is, if it is commercial solicitation the courts have been more generous with municipal ordinances allowing time of day restrictions, and if it is political, religious or a First Amendment type of solicitation, the courts have basically told municipalities to stay out of that type of regulation and left it to the property owner to control. He said if the solicitor fails to leave when asked, the Police Department can get involved. He said that regulation is for properties on public streets but many modern neighborhoods are privately owned where the streets are controlled by a homeowner's association and that is private property. He said the association can keep solicitors out of that subdivision and if there is a violation, involve the Police Department.

COUNCILMAN GIARRANTE stated that he has received a request regarding South DesPlaines Street and Joliet Street south of McDonough Street and concern about speeders and he asked if the City could step up enforcement with regards to speeding and illegal parking.

Police Chief Fred Hayes said he would make sure they had some enforcement in that area.

COUNCILWOMAN QUILLMAN asked about the Jonas Brothers coming to Joliet to play softball on Friday afternoon and said she would like to know who brought the band here and who will be paying for the security.

Chief Hayes stated that the Joliet JackHammers were contacted by the Jonas

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Brothers and Marquis Jet and were asked if they would host a softball game between them. He said it is his understanding that the Jonas Brothers are doing this throughout their 2010 tour. He said the other events have been closed events but this is open to the public and is free. He said the Police Department has had a series of meetings with JackHammer staff to prepare a special event plan and he is confident that the Police Department is prepared to provide adequate police coverage and service. He said they are issuing a special traffic alert and he explained the parking plan. He said this event is scheduled to handle up to 7,000 people and he has received assurances from the JackHammers staff that they will not allow any more than that into the facility and they are working out a ticket system to be announced tomorrow. He said that the Police Department has notified the JackHammers that there will be a cost involved for police officers there on overtime for this special event and they will bill the JackHammers for the cost which is estimated to be around \$7,500.00.

COUNCILWOMAN QUILLMAN asked why it is a free event.

The City Manager stated that he met with JackHammers administration this afternoon because the City and the JackHammers have been receiving a lot of calls concerning the safety and the cost and the City asked the JackHammers to issue the tickets in advance so there are not people coming downtown on Friday without tickets. He said he also asked why there was not a charge for the tickets because it would be a great fundraising opportunity, and this is a request from the Jonas Brothers to give back to their fan base and of the 7,000 tickets, 2,700 are spoken for by the sponsors which leaves only 4,300 tickets for public distribution.

COUNCILWOMAN QUILLMAN asked how they will get all of the people out of the stadium before the JackHammers game that night.

Chief Hayes stated that the Police Department has a lot of experience with events at Silver Cross Field and other large venues and they will make public address announcements to clear the stadium. He said that there is quite a bit of time between events.

COUNCILWOMAN QUILLMAN asked the Corporation Counsel about the outcome of the hearing with the homeowners regarding the fence on Western Avenue and if the issue was resolved.

The Corporation Counsel said it is his understanding that the case was continued for 45 days to permit the neighbors with the encroachment issues to finalize an agreement.

COUNCILMAN SHETINA stated he would like to thank the staff for their response today with the weather; by 1 or 2 p.m. all of the streets were open and almost all of the subdivisions were clear of water. He said the system works. it just got surcharged and he has never seen that much rain in that short of time in all the years he has been here and he appreciates the work of the staff.

COUNCILMAN TURK said he would like to echo COUNCILMAN SHETINA'S comments.

COUNCILMAN UREMOVIC thanked the City Manager on behalf of the Oakwood Estates Homeowner's Association for moving things along with Silver Leaf Subdivision.

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COUNCILMAN GIARRANTE stated he was at the Autobahn on Sunday and it is great to have something like that in the City of Joliet.

The City Manager stated there was national television coverage of the event on the HDNet channel and it featured Joliet very prominently.

**ADJOURNMENT**

COUNCILWOMAN QUILLMAN moved that the Council recess to closed session at 8:35 p.m. to discuss personnel after which the meeting will be adjourned.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

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ARTHUR SCHULTZ  
Mayor

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JANET K. TRAVEN  
City Clerk

Recorded on Tape