

**REPUBLICAN CAUCUS**  
**302 North Chicago Street**  
**County Board Committee Room**  
**Joliet, IL**

**MINUTES**

**June 18, 2009**

**8:35 a.m.**

**CALL TO ORDER** Mr. Bilotta called the meeting to order at 8:45 a.m.

**ATTENDANCE TAKEN BY STAFF:**

**Present were:** Bilotta, Blackburn, Dralle, Goodson, Gould, Konicki, Kusta, Maher, Moustis, Riley, Rozak, Singer, Smith, Weigel and Wisniewski.

Ms. Dralle arrived at 8:46 a.m.; Mr. Moustis arrived at 8:50 a.m.; Ms. Riley arrived at 8:52 a.m.; Mr. Maher arrived at 9:24 a.m.

**Absent were:** None

**Also Present:** Assistant State's Attorney Melanie Manning (Land Use case only); County Board Deputy Chief of Staff Melissa Johannsen; County Engineer Bruce Gould and Land Use staff David DuBois.

**Pledge of Allegiance:** Ms. Konicki led everyone in the pledge of allegiance.

**Approval of Minutes:**

A motion was made by Mr. Kusta, second by Mr. Smith to approve the minutes of May 21, 2009. All in favor.

MOTION CARRIES

Mrs. Dralle arrived at this juncture.

**Proclamations**

Mr. Bilotta advised there are two proclamations. PACE is doing a check presentation.

## **Land Use**

### **Case #5817**

Mr. Weigel stated Case #5817 would be removed from being tabled and moved for approval.

### **Case #5832**

Mr. Weigel advised that Case No: 5832-S would be remanded back to the Land Use committee at the request of the attorney representing the applicant.

### **Case # 5844-SV2**

Mr. Weigel stated there were four motions on this case; the second motion was going from 1,800 square feet to 8,124 square feet and that was defeated.

Mr. Weigel asked if we have to defeat that or can we just go with the motion that the applicant wants.

Ms. Johannsen replied that you can go with the motion that he wants.

Mr. Weigel stated that he wants the last motion to go from 1800 to 3080 square feet.

Ms. Johannsen clarified that it was for the accessory structure storage space.

Mr. Bilotta reviewed that the 1800 to 4,067 you denied and the 1800 to 3,080 you approved.

Mr. Weigel clarified that he wants the third motion and that was not approved by a majority of a quorum. He doesn't want motion number 2 or 4.

Mr. Weigel explained that the applicant has a piece of slab that he wants to place a building on it and the slab is 900 square feet so that will bring it up to 4,000 square feet. He has some existing buildings and wants to make it larger and add an addition.

Mr. Bilotta stated that is a lot of square footage for 2.36 acres. He reviewed the voting on the four motions under Land Use; to remain A-1 you voted 4-0 with 6 conditions; the second one unanimously voted 0-4 for 1,800 to 8,124; and then on the third one you voted to approve but was denied because you didn't have a majority of a quorum.

Mr. Brian Smith stated that was the problem.

Mr. Bilotta reviewed that the committee really voted it up and then the last one the committee approved.

Assistant State's Attorney Manning arrived at this juncture.

Mr. Weigel explained that we voted down to go from 1,800 to 8,000 square feet. Does the County Board have to vote that down also or do we just ignore it.

Assistant State's Attorney Manning advised that they should vote on the original variance of 8,124 square feet and then vote on each additional variance individually. If they approve the middle variance (4,067) then you can deny the 3,080.

Ms. Johannsen inquired if they were two different requests because one is for accessory storage space and the other is accessory structure square footage.

ASA Manning replied that it is the same thing.

Mr. Bilotta stated that there are three different requests for additional square footage basically where if they were all approved would then be getting 15,000 square feet.

Mr. Moustis arrived at this juncture.

ASA Manning answered no, the 8,124 square feet was the original request and that was denied and instead the 3,080 was granted.

Mr. Smith stated that this variance failed due to a lack of quorum or it would have passed.

ASA Manning advised that the 8,124 was denied; the 3,080 was approved and then he was asking for an additional 900 or so square feet and that was denied.

Mr. Bilotta reviewed that the reason that part was denied is because there were only 4 committee members at the meeting and a majority of a quorum is 4 so it only took one person to vote no thereby denying it although it was 3-1 to approve it.

Mr. Smith stated if there were more people it would have passed and that is the important thing.

ASA Manning advised the caucus if they wanted to pass the 4,067 that they could deny the first variance; pass the second variance; deny the third variance and then that way you would have just the 4,067.

Mr. Bilotta reviewed the issue but inquired if we had to approve the 3,080.

ASA Manning advised they should deny it because you are already granting the 4,067.

Ms. Riley arrived at this juncture.

### **Case No: 5849-SV3**

Mr. Weigel stated that this case is for the Enbridge Pipeline and was approved this morning at a special Land Use Committee meeting.

## **Resolutions**

Mr. Weigel stated there is an Ordinance for the Conservation Design. I believe everyone is on board with this and it has been a long haul, about 6 months that we have been working on it and it is good shape to be passed.

Mr. Weigel stated we have a resolution for body arts studio and a variance on the subdivision ordinance.

Mr. Weigel stated that this is a variance on the subdivision ordinance, Resolution 09-169, for a person with an A-2 lot who does not want to tap onto water and sewer because of the size of the lot.

Mr. Bilotta inquired about Resolution 09-167, the Conservation Design, thanked Mr. Weigel for working to get this done. Mr. Bilotta was contacted by some of the realtor community and development community saying that they are ok with the wording. He inquired about the Special Service Area (SSA) portion who is the trigger point for that and to whose standard does that open space have to meet.

Land Use Director Curt Paddock advised that at the time that the subdivision is platted, a part of that platting process will include the preparation and submittal of a maintenance plan that will forecast maintenance and the budget/funding to do that well into the future. That plan will be examined by the Land Use Department, there will be advisory comment provided by the soil & water conservation district and then that plan will be approved by the plat committee as a part of the plat approval process. The plat approval committee is synonymous with the Land Use Committee. Then over time there will be a series of inspections to see that the maintenance of the area will be carried out. Mr. Paddock further stated that the standard is really the maintenance plan. If there is evidence that due to the failure of the homeowners association to pay various vendors to carry out the maintenance plan and there is evidence that the natural resources that we are trying to preserve are beginning to deteriorate that would then prompt the Land Use Department to talk with the homeowners association. Land Use after talking with the association; workout a plan and if that fails due to funding, then Land Use Department would come to County Board where we would activate a levy for an SSA. A notice would be sent out to property owners within the SSA area that a hearing would be held. At that public hearing we would receive the homeowners input and then if something could not be worked out then a levy would be enacted.

Mr. Moustis stated that the detention system failure would be costly and in those situations that anybody impacted by a detention system would have some responsibilities.

Mr. Moustis thanked the entire committee and all those involved for all their hard work in getting this done.

### **Finance Committee**

Mr. Kusta reviewed that the first resolution is transferring \$16,000.00 in PD's budget to buy some cars; the second is statutory; the third one, the auditor wants us to clean up the books; and the fourth one is the Health Department received a grant and we are just moving money into their budget.

### **Public Works**

Mr. Bilotta advised there were 5 resolutions. Resolution 09-175 is for an RTA paratransit study. This is an 80/20 \$100,000.00 grant. 20% is our cost from a paratransit grant to study the needs, the strength and weaknesses of the paratransit in the County. The idea is to take it back to RTA indicating where they are lacking so they can get it done.

Mr. Bilotta stated that right of way is still an issue and is becoming more of a problem. There is a meeting scheduled for next week with the State's Attorney to straighten this matter out. There are 300 parcels holding up the Build Will program. We need to get this done.

Mrs. Dralle stated that 6 or 7 months ago we funded a full time State's Attorney for this issue. There is no excuse and if necessary we should bring a State's Attorney in through the County Board and would like an update on this issue.

Mr. Moustis stated that for land acquisition we have never formulized a process. We make an offer based on the appraisal which we are bound by and if an agreement cannot be reached in a timely manner, then we trigger condemnation. We use the courts to get a valuation and formulize the process.

Highway Director Bruce Gould stated that we follow the state procedures as to initial notice to the property owners, initial negotiations, the 60 day letters. We send out letters

60 days in advance of the condemnation. Our problem is after we pass the resolution for condemnation.

Mr. Moustis advised that we need better communication with the State's Attorney and we need to be more aggressive with the follow-up.

Bruce Gould advised that they have been meeting with the State's Attorney on a weekly basis.

Ms. Konicki inquired if we could fund an Assistant State's Attorney as an employee of the Land Use Department as special counsel.

Mr. Bilotta replied that was what they were doing.

Bruce Gould advised that he has other professional services in his 2010 budget for that purpose.

Mr. Bilotta stated that with the meeting next week we should be able to straighten this all out.

### **Judicial Committee**

Mrs. Dralle advised that there are two resolutions. The first is for the Adult Detention Facility Operational audit. The bid award is going to Krause although they are higher.

Ms. Johannsen stated that this was recommended by Finance Director Paul Rafac and the Sheriff's Department because one bidder had to be excused due to a conflict.

The second resolution is the juror parking where we pay \$1,500.00 per month for 100 spaces.

### **Public Health & Safety Committee**

Don Gould advised that there are two ordinances, tobacco and burning. The first one is the tobacco ordinance where he is proposing a change in the language of Section 120.014 because it creates an undue burden on the retailer. You will notice the self-compliance which suggests that the retailer will do this on their own, not voluntarily but what the Health Department needs. He wrote language which he felt was more acceptable. The Health Department would produce a video which would be made available to retailers and the retailers would show it to their employees.

Mrs. Dralle stated that her concern was the retailer having to send their staff to the Health Department for training. She stated that this allows any employer can do it at the convenience of their facility rather than sending employees to the Health Department.

Ms. Konicki stated that the Health Department provides the materials and the employer pay for the material so that it is not our cost.

Mr. Moustis clarified that this was with grant funding and that the state provides information and materials.

Mr. Gould advised that the Sheriff's Department will help the Health Department.

Mr. Moustis inquired why do we need additional materials if the state already provides it.

Mr. Blackburn stated that there is no licensing but educational material is available but must be requested.

Ms. Smith stated that the federal government legislature will make this obsolete.

Ms. Goodson stated that the City of Joliet is doing a 7-year program study and that smoking for high school seniors is on the up rise. She believed this was good for the county and most municipalities already have a tobacco ordinance in place.

Mr. Maher arrived at this juncture.

Mr. Gould stated that he would amend the ordinance on the floor and everyone could vote it up or down.

### **Burning Ordinance**

Mr. Gould stated that the concern is burning 50 feet from a neighboring structure. Is there some potential to misinterpret it. This would be clarifying that it is 50 feet from a neighbors structure. This is under 93.21. The second one is 93.018 about adding language for fence.

Mr. Blackburn stated that this is a fence issue. He stated he was against the burning ordinance. The problem is burning in a ditch and the fire/smoke is closer to incorporated areas where they can't burn where the smoke is blowing into houses who can't burn. He is trying to get a set back into the peoples yard who can burn. He wanted a set back from the lot line.

Mr. Gould asked if there is a distance more reasonable than 50 feet and how many feet from a fence would be appropriate.

Mr. Blackburn inquired if the members would agree to only allow burning in April/May and again in September/October.

Mr. Maher inquired who enforces where someone is burning.

Mr. Gould recommended that we take the burning ordinance back to the Health Committee. He has been advised that there is no ozone action day any longer. The IEPA calls them something else.

### **Legislative Committee**

Ms. Goodson stated that the legislature has ended and that the fiscal year wraps up at the end of June. So far there is no budget as Republicans will not support a tax increase. Hopefully they will reach an agreement and our Health Department will be most dramatically affected.

Ms. Goodson stated that they had a good trip in Washington with NACo.

Ms. Goodson also advised that she will be having a public hearing regarding SB1607 which is the construction debris legislation.

### **Capital Improvements**

Mr. Maher advised that the needs analysis resolution with Wight is being processed through the Executive Committee today.

### **Executive Committee – No Report**

A motion was made by Mr. Gould, second by Mrs. Rozak to adjourn the meeting at 9:20 a.m. All in favor.

MOTION CARRIES