

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

**MINUTES**

**May 21, 2009**

**8:35 a.m.**

**CALL TO ORDER** Mr. Bilotta called the meeting to order at 8:43 a.m.

**ATTENDANCE TAKEN BY STAFF:**

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

Mr. Singer arrived at 8:50 a.m. Ms. Riley arrived at 8:55 a.m.

**Absent were:** None

**Also Present:** Assistant State's Attorney Mary Tatroe; County Board Deputy Chief of Staff Melissa Johannsen; County Engineer Bruce Gould and Land Use staff David DuBois.

**Pledge of Allegiance:** Mr. Bilotta led everyone in the pledge of allegiance.

**Approval of Minutes:**

Mr. Bilotta advised that there was a correction in the attendance for the April 16, 2009 caucus minutes.

A motion was made by Ms. Goodson, second by Mr. Wisniewski to approve the minutes of April 16, 2009 as corrected. All in favor.

**MOTION CARRIES**

Mr. Bilotta welcomed Mr. Brian Smith who is up for appointment as the replacement for County Board District 5.

Mr. Bilotta advised that at the beginning of the County Board meeting Mr. Smith and Denise Winfrey, the District 8 replacement, will be appointed, sworn in and then seated so that they may participate in the full County Board meeting.

## **Proclamations**

Mr. Bilotta advised that we have a proclamation for John Gerl which will be read by District 5 members.

Mr. Bilotta stated we also have a proclamation recognizing the Will County Historical Society 45<sup>th</sup> Anniversary which will be read by Kathleen Konicki.

There is also another proclamation which will not be presented, just recognized on the floor of the achievements of the GFWC IL Federation of Women's Clubs.

Mr. Bilotta advised that if anyone has a proclamation they would like to be presented, to provide it to the office and then we will review it.

## **Land Use**

### **Case #5817**

Mr. Weigel stated Case #5817 would be tabled until next month at the request of the applicant, John Urban who has a possible sale on the property.

### **Case #5829**

Mrs. Dralle stated that in the staff recommendations they basically say, for any special use permit upon 14 days written notice to the owner of record at the last known address, the County of Will employees and officials are hereby granted the right of entry, etc. County of Will employees are very broad and her questions to the State's Attorney are why is this brought forth; what have we done in the past that necessitates this to come forward and will this stand up in court?

Assistant State's Attorney Mary Tatroe replied that we had a meeting with Land Use earlier this week and we suggested certain language to tighten this section up because I don't think this would stand up in court.

ASA Tatroe stated there have been ongoing conversations for years regarding what inspectors can or cannot do as far as gaining entry to property. It has always been State's Attorney policy that if you do not have consent you need to get a search warrant.

Mrs. Dralle stated that her belief would be that all of these would be removed from the special use permits that are attached to today. This is one of the conditions for Case number 5827 and if we are not sure and you have an opinion coming we should wait.

ASA Tatroe advised that would be up to the County Board because that the case moved forward with that language. I could draft the alternative language between now and County Board, distribute it for your desks. Essentially, we would limit it to Land Use personnel and the right of entry would be solely to insure that they were in compliance with the special use condition.

Mrs. Dralle stated she was uncomfortable with that approach.

Ms. Rozak stated that it was explained to her that if we don't have consent then we can't go on the property to check if they are in compliance with these campgrounds. It only happens once a year and I was told we had to have this in here because then the people could give consent and if we don't have consent then we have to go court.

Mrs. Dralle stated if it is for a specific case that there has been difficulty, then let it go through the court system but to then say because there was one incident that we are now going to blanket all our special use permits is a problem.

Mrs. Rozak agreed that we did add it to all the rest of the cases.

Mr. Moustis advised that when the people apply for the special use permit wouldn't within the application they would be granting permission for inspection purposes.

ASA Tatroe stated only for purposes of inspecting for the application to determine whether or not the application is approved or not. It does not deal with inspections after the special use is approved. This is why the proposal to add that language into the special use permit itself indicating why, by moving forward with the special use permit, by making the changes to the property that they desire, they are consenting to that inspection essentially.

Mr. Moustis stated we need to tighten up the condition limiting it to only the Land Use staff, State's Attorney office and law enforcement.

ASA Tatroe stated that there is probable cause if there is a complaint and we could get a search warrant. Quite often the complainant does not want to go into court or take off work. It can be difficult to enforce it.

Mr. Pullman from CDBG stated there are 20 properties with 5 or 10 conditions where we need to follow up and it puts us at a disadvantage.

Ms. Rozak advised that if you can see it from the road that is different.

ASA Tatroe stated that if you can see it from the road or a neighbor is complaining about it, the neighbor can allow an inspector onto their property. If you can see it from

the neighbor's property, then it is open. What you can't do is go onto the property of the person of the alleged violation. You can go up to the door, knock on the door and anything you are seeing while doing that is fair game. You can't walk into the back yard. You can't look into buildings or beyond fences. Things like that cannot happen without a search warrant.

Mr. Moustis stated that we are trying to get it so that it is a little easier to enforce and I would like to move this forward. He requested that ASA Tatroe tighten the language so that we only permit certain people.

David DuBois advised that we did tighten up the language to restrict it to Land Use personnel and the Sheriff's department for the purposes of inspecting only for compliance with the terms and conditions of the approved special use. It is not as broad as those here today. These are moving forward before we were able to tighten the language up but anything coming forward from now on will reflect that language.

Mr. Bilotta stated ASA Tatroe should tighten up the condition, type it up and we can amend it on the floor.

Mrs. Dralle asked if ASA Tatroe felt if there was a court challenge that this would hold up.

ASA Tatroe stated she felt it would and was more comfortable with the language they are proposing than with what is in the package.

### **Case No. 5833-SV38**

Mr. Bilotta advised there is Case No. 5833-SV38 where he will be reading the ordinance number, parcel number and acreage. There are 38 pieces of property regarding the pipeline.

### **Resolutions**

David DuBois stated that we are tightening up the ordinances for home occupations/commercial vehicle section as previously it was very vague; the contractor shops and yards, the ordinance was silent on contractor's shops within the I-1 zoning district. This adds it as a permanent use as long as it is in the interior of a building. It also makes it clear that yards are a special use in the I-1. It makes it clear for those that have been permitted in the I-2. In essence we are adding another authorized use in the I-1 and this is upon the initialization of Mr. Weigel. Our ordinance was silent regarding

the fortune-telling businesses. Therefore, we felt since we are refining the zoning ordinance this was the time to put those in so when you get phone calls, which we have had, there is a place to direct them which is a C-3 district as a permitted use.

### **Finance Committee**

Mr. Kusta advised that there is a resolution moving money in forfeitures to salaries. ASA Tatroe stated it is within forfeitures to salaries for stipends which are contractually provided but are not required. We don't appropriate the money into salaries until such time as we have the money from forfeitures.

### **Public Works**

Mr. Bilotta advised that there is a copy of the Build Will power point presentation on everyone's desk. We will not be doing the presentation but this is informational. We are moving forward with the projects that we can. The number one issue still is right of way. That is what is holding up the projects.

Mr. Bilotta also stated that they have hired a new state's attorney to handle the right of way issues.

Mr. Singer inquired if Resolution 09-145 regarding the patching of County highways tightens up the completion date.

Highway Director Bruce Gould stated that the completion date is still September 15<sup>th</sup>. They need that time to complete the 58 county highways and the company has submitted a schedule as well as a letter stating that they will diligently work on this and have dedicated crews on this.

Mr. Bilotta stated the big concern was committing them to this as a full time project and not just fill ins from other jobs.

Mr. Singer inquired what are the penalties if they exceed the September 15<sup>th</sup> date.

Mr. Gould advised that there are liquidated damages which is right out of the standard specifications through the State of Illinois. Based on the awarded contract amount you can charge them liquidated damages each day beyond the completion date. It is a percentage based upon the awarded contract amount.

Mr. Maher inquired how many bids did we have on this particular project.

Mr. Singer answered that there were a total of 4 bids on this project.

### **Judicial Committee**

Ms. Dralle advised that Waste Management would make a check presentation to the Juvenile Drug Court.

Ms. Dralle stated they are moving forward looking at potential drug court recovery home and also some discussion regarding the legal self-help program for people who do not have an attorney. Chief Judge and Kurt Sangmeister are looking at that and will make a recommendation. It is a model where we would have computers set up, possibly in the Law Library and people could use this program to navigate through the legal system. It is not legal advice; it is a self-help program. We will be discussing this further.

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

Don Gould advised he would be asking that Resolution 09-147 regarding the burning issue be remanded back to the Public Health & Safety committee.

Mr. Gould further stated that they would like to make changes and additions and make sure the language is in the proper format.

Mr. Gould stated there is also a resolution regarding stimulus funds and State of Illinois grants for EMA.

### **Legislative Committee**

Ms. Goodson advised there were three resolutions from her committee.

Ms. Goodson stated that ½ of the capital bill passed out of the Senate yesterday. The capital projects included in that bill include transportation; school construction and maintenance; higher education; environment and water; leaking underground storage tanks and technology. This bill is almost \$3.5 billion for state funding for new capital projects and includes \$8.9 billion in new bonded capital projects and \$11.7 is for the multi-year road program. The \$13.5 will allow the state to capture approximately \$6.9 billion in local and federal funds.

Ms. Goodson stated that this would probably move forward in the House today. The funding will come from liquor taxes, on line lottery sales and video gaming machines will be available in restaurants. The legislation is estimated to provide about \$1.12 billion in annual revenue to pay back the bonds.

Mr. Singer inquired how much the driver license fee would be increased.

Ms. Goodson replied she did not know but could find out.

Ms. Goodson advised they will be going up and they are also going to reclassify some of the taxes like pop will no longer be considered food. It will be classified under a different tax rate which will be higher.

Mr. Bilotta thanked Ms. Goodson for working so diligently on the Capital bill. We made sure the representatives received all of our projects in particular districts so hopefully we can get a piece of this capital bill to help us out in Will County.

### **SB1346 - South Suburban Airport Legislation**

Mr. Gould inquired about SB1346-South Suburban Airport Legislation.

Ms. Goodson replied that she would need to check this out as she did not see the actual language before we go to the floor. She needs to find out if the old language came back or if there is new language.

Mr. Gould stated he had concerns regarding imminent domain and the downstate Forest Preserve Act.

Mr. Gould asked if this bill would allow the state to take property from the Forest Preserve District as it amends that code. Also, it is the position of this board that we were always opposed to quick take as part of imminent domain and given the language of this bill, which he had printed out and is 48 pages, are we changing our position if we support the concept of this bill.

Mr. Moustis advised that quick take requires action by the legislature, they can't just do it. He asked if they would be giving that up in this bill.

Ms. Goodson replied she did not know.

Mr. Gould stated that property may be taken as provided for in the South Suburban Airport Authority Act. It refers back to certain sections of the code but it does not state what that is. For example, it modifies 735 ILCS 5/7 102 but if you don't know what that is, it doesn't help.

Ms. Goodson replied that she will try to obtain additional information prior to her committee report at the County Board meeting.

Mr. Gould stated that he did not want to see us changing our position which has always been that we are opposed to quick take and I don't think we should as a board change where we stood for all this time.

Discussion continued after the announcement by the majority leader.

### **Capital Improvements**

Mr. Maher stated that we are in the process of obtaining the final contracts for Wight with the executive's office to move that forward with the assessment of our capital plan.

### **Executive Committee**

#### **Resolution 09-166**

Mr. Moustis stated that Resolution 09-166 for the bankruptcy court lease extension has been amended and that amended version is on everyone's desk.

### **Announcement**

Mr. Bilotta advised that after the County Board meeting Pat Barry of the Sheriff's Department will be taking pictures of County Board members.

Deputy Chief of Staff Melissa Johannsen advised that the county board members would be able to decide which picture we use. We will e-mail you the proofs and you say, for example you like picture #2 out of 5, that is the one we will use.

### **SB1346 - South Suburban Airport Legislation**

Mr. Singer stated that regarding Resolution 09-155 on the airport, it says that this bill would impact the downstate Forest Preserve District Act and the Imminent Domain Act. I don't imagine that the state is not voluntarily making it harder to take Forest Preserve property and they are not voluntarily making it harder to take a piece of land. I think we should consider tabling this today until we have all the information and understand it very clearly.

Mr. Bilotta agreed and did not believe there was no hurry in getting this passed as the legislature would not be addressing it within the next few days.

Ms. Goodson stated she thought they were consumed with the ethics reform and the capital bill. She will find out if quick action needs to be taken.

Mr. Singer stated that he would make a motion to remove it from the agenda at the County Board meeting.

Mr. Gould stated we should advise the sponsors of this legislation what the concerns of the board are because they are people who represent Will County and they should understand our concerns with respect to quick take and protecting the Will County Forest Preserve.

A motion was made by Mr. Kusta, second by Mr. Weigel to adjourn the meeting at 9:15 a.m. All in favor.

MOTION CARRIES