

WILL COUNTY BOARD
PUBLIC HEALTH AND SAFETY
COMMITTEE MEETING
MINUTES

April 7, 2009

11:00 a.m.

Sunny Hill Nursing Home
421 Doris Avenue
Joliet IL 60432

CALL TO ORDER

Mr. Gould called the meeting to order at 11:05 a.m.

ROLL CALL

Present were Members: Blackburn, May, Riley, Seiler and Gould.

Absent were Members: Babich and Konicki.

Also Present: Stewart and Friefeld.

Present from State's Attorney's Office: Mary Tatroe.

PLEDGE ALLEGIANCE

Ms. Seiler led the Pledge of Allegiance.

ANNOUNCEMENTS BY THE CHAIRMAN

APPROVAL OF MINUTES

A motion was made by Ms. Seiler, second by Mr. Blackburn, to approve the minutes from the March 12, 2009 meeting. All in favor. MOTION CARRIES.

OLD BUSINESS

Proposed Ordinance Licensing Sale of Tobacco Products in Will County – *Tabled at March 12, 2009 Meeting*

Mrs. Tatroe distributed a copy of the ordinance with the most recent changes. The State's Attorney's Office received quite a bit of feedback from county board members and she tried to incorporate most into this document, which is substantially different than the other ordinance the committee has reviewed. She took the liquor control ordinance and amended it to

address the sale of tobacco. That makes it easier for the County Executive's Office to enforce and administer because it is terms they are familiar with. She kept many of the definitions that were in the previously one; there is a requirement for establishments to obtain a license to sell tobacco; there is a provision for who would not be eligible for a license. Then there is the application process that requires them to attend educational programs put on by the Health Department; they would have to bring proof of that before license is issued. There is a provision for a fee for the license but she did leave that blank. They also provided for a fine if they do get not license; the license could be revoked if any of they violate any of the state laws regarding the selling of tobacco to minors.

Mr. Gould indicated the legislative committee is also looking at this; have they considered this version?

Mrs. Tatroe answered no they have not.

Mrs. Riley questioned if she checked with Sheriff's Department regarding enforcement.

Mrs. Tatroe replied primarily it would be the County Executive that would administer enforcement of selling.

Ms. Seiler asked how we are addressing businesses who are already selling tobacco.

Mrs. Tatroe answered they are required to get a license from this point forward. We would have to set a time frame; if we make it effective January 1, 2010 that gives them plenty of time to get license.

Mr. Gould commented there are blanks in section 120.014 – the fine for non-payment of fee.

Mrs. Tatroe indicated that is for the renewal of the license; if they fail to renew by January 1st there should be a fine for that – otherwise there is no point in having the ordinance.

Mr. Gould asked if anyone has any input as to what the fines should be.

Ms. Lee indicated they had discussed the fee at \$250, which is a reasonable amount. The ordinance would not require compliance checks?

Mrs. Tatroe answered correct.

Mr. Walsh clarified this ordinance only covers those business in unincorporated Will County. We are not going into the municipalities. We have approximately 57 liquor licenses; everyone one of those probably participates in selling of tobacco.

Mrs. Tatroe indicated the number is anywhere from 60 up to 190 depending on who has brought the information forward.

Mr. Walsh questioned how many of the municipalities have an ordinance.

Ms. Lee replied there are many that do. We have letters of support from many of those municipalities; they do not want our youth going to unincorporated businesses able to purchase tobacco.

Mr. Walsh stated there is a cost of implementing and using the Sheriff's police; another license fee would be the cost of doing business that they have not incurred before – it is a balancing act. As board members and elected officials we recognize the need for this ordinance and are cognizant of the issues of being in business. Once it has been administered it could be revisited down the road.

Mr. Gould suggested the fines be set as follows: Section 120.014 at \$100; Section 120.015 at \$100; Section 120.017(A) at \$250 for first violation, \$500 for second violation and \$1,000 for third violation.

A Plainfield High School student requested the compliance requirement be put back in; without that there is no teeth to it.

Chief Romeo indicated the Sheriff's Department would be willing to conduct some compliance checks within our budget restraints.

Mrs. Tatroe stated there is a question of county board controlling how the Sheriff utilizes his staff; she does not know if that would be enforceable. The Sheriff gets to decide how to utilize his staff; the county board cannot require the Sheriff's Department. We could draft language that the county board recommends compliance checks a certain number of times each year.

Ms. May questioned how they would get fined.

Mrs. Tatroe replied there would be checks. That is the goal of the Sheriff's Department; he would enforce it based upon his manpower and budget. The county board does not have authority to tell elected officials how to appropriate funds in their budget.

A motion was made by Ms. Seiler, second by Mr. Blackburn, to approve with the fines as follows: Section 120.014 at \$100; Section 120.015 at \$100; Section 120.017(A) at \$250 for first violation, \$500 for second violation and \$1,000 for third violation and to include language regarding compliance checks. On a roll call vote, Blackburn, May, Riley, Seiler and Gould voting yes.

MOTION CARRIES.

Proposed Ordinance Regulating Open Burning within Unincorporated Will County
– Tabled at March 12, 2009 Meeting

Mrs. Tatroe stated she has gone back to the ordinance on the books and changed the enabling legislation. In 93.020 Exceptions she added for agricultural purposes. She also changed the fine provision since it referred to the fine provision elsewhere in Code of Ordinances.

Mr. Gould indicated we had directed the State's Attorney's Office to change the enabling legislation since it was repealed.

Mr. Malanca with the Will County Trail Riders addressed the committee. He personally has acreage with plants for privacy and buffer which creates much brush and debris. He has many mature trees which creates a lot of leaves. He uses burning to take of that.

Mr. Blackburn stated this does not solve any problems as written; if there were setbacks it would help.

Mr. Gould indicated we needed something that was enforceable; that is what Mrs. Tatroe changed – to make it enforceable. If you are within 1000 feet of municipality do you follow their ordinance?

Mrs. Tatroe answered the statute provision was deemed unconstitutional. You cannot have someone who lives in an unincorporated area to live by other rules. Neither the state nor the EPA will enforce it for those reasons. There is the additional problem of who will measure the 1000 feet.

Mr. Blackburn reiterated he would like to see setbacks from lot lines included.

Mrs. Riley commented she would like to see certain days regarding ozone days included.

Ms. Seiler commented we wanted to get something out there while the rest of the document was being worked on.

Mr. Gould indicated we can adopt this and if someone wants to bring something new forward we can put it on the agenda

A motion was made by Ms. Seiler, second by Ms. May, to accept the ordinance as presented. On a roll call vote, May, Seiler and Gould voting yes with Blackburn and Riley voting no.

MOTION CARRIES.

Mr. Gould stated we will hold the public hearing at the May committee meeting.

Other Old Business

NEW BUSINESS

Sunny Hill Replacement Hires

A motion was made by Mrs. Riley, second by Ms. Seiler, to place the replacement hires for Sunny Hill on the County Board Agenda. All in favor. MOTION CARRIES.

Tour of Sunny Hill

The committee adjourned the meeting to begin the tour of Sunny Hill.

Other Business

ADJOURNMENT

A motion was made by Mrs. Riley, second by Mr. Blackburn, to adjourn the meeting at 11: 44 a.m. All in favor. MOTION CARRIES.