

**COMMITTEE-OF-THE-WHOLE
MINUTES
July 16, 2019**

Mayor Gallo called the Committee-of-the-Whole meeting to order at 7:30 p.m.

COUNCIL IN ATTENDANCE: Aldermen Mike Cannon, Nick Budmats, Kevin O'Brien, Jon Bisesi, John D'Astice and Lara Sanoica

COUNCIL MEMBERS ABSENT: None

STAFF IN ATTENDANCE: City Manager Barry Krumstok, Finance Director Melissa Gallagher, Deputy City Clerk Judy Brose, Assistant to City Manager Lori Ciezak, Police Chief John Nowacki, Fire Chief Terry Valentino, Rob Horne Director Public Works, Superintendent of Internal Services Don Wenzel, Business Advocate Martha Corner

Mayor Gallo - The floor will be open to the audience for 20 minutes to address the City Council on matters that are on the agenda after the City Council discusses with Staff. We ask that persons wishing to address the City Council keep their comments to 5 minutes in length. Comments must be addressed to the Council as a whole through the Mayor, and profanity may not be used in any form.

Please note, the items were not discussed in the order as listed on the Agenda

1) G1 – Grill & Hood or is an Electric Grill without Hood OK (#3 on Agenda)

Mayor Gallo - This was brought to my attention shortly after being elected Mayor. We've always had this ordinance since its inception but what we never had in writing with the ordinance was whether or not there was a mandate to have an existing restaurant convert kitchen to obtaining and having a gas grill with a range hood. When looking at an endeavor like that it's roughly \$30,000 expense. So essentially there is an opportunity to refine this ordinance for G1 to have both an "a" and "b". The "a" would be for new establishments in the City and that would consist of allowing the specification sheet on a new build to require in mandate that the kitchen be set up in a manner that demonstrates some sort of long-term commitment to the community and that long-term commitment is demonstrated by an investment of financial dollars, approximately \$30,000. For other organizations, establishments that's been in the community for a decade plus, that have demonstrated their commitment to the community by being participants in our Chamber of Commerce, our local community events, etc. I believe these sort of hoops and hurdles are not something that we need to put up in front of our establishments to make it any more difficult for them to go ahead and remain competitive. I've heard from some entities that with the influx of new establishments coming in if they were going to have to invest \$30,000+ just to change their kitchen structure that would already bring them in the negative and then trying to work back up to be competitive is just not within their business model and practical. So here we are before this with an opportunity to make this revision where we can essentially grandfather those organizations, those restaurants, those establishments in good faith that they are not going to be here fly-by-night for a year. Is there any discussion on this?

Alderman O'Brien - In talking to some of the constituents on this I am opposed to this. I've been hearing from the people that I've been talking to that the \$30,000 seems high for what it could be done for, so I was wondering if there was an actual quote provided? For new entities that selected to be in Rolling Meadows, why would we have them incur the \$30,000 which could be a deterrent for them coming to Rolling Meadows whereas we would allow someone who's existing to not incur that same cost to keep their business going? I'm all for competition, I just want to make sure that it's a flat level playing field for our businesses in community.

Mayor Gallo - Not to combat that sentiment but the point that I heard from the establishments that they have demonstrated their commitment to the community, they've been here for over a decade whether it's \$30,000 or \$5000 but this is an opportunity where new establishments has a blank slate, where they can build to suit. Other organizations don't necessarily have the liberties and flexibility within their existing confines to meet those needs. Again, for me it's a question of demonstrating a commitment to the community and what I don't want to see is a new entity come in with a toaster ovens/electric grill and if things don't go the way that their business model intended then they're out in a year. That's putting the City, Staff and Community Development Department resources in a lot of mindful attention when we know that current establishments that have been here for a decade are going to remain here and as long as we support them they will continue to support us.

Alderman Bisesi - The main comment that I've heard from constituents is that the intent of this whole thing was that it was going to be restaurant first and gambling second. Doing the \$30,000 commitment and all that is a way to get at that. I don't really have a strong suggestion. Otherwise what you'll have is bars that might serve some food right now and all of a sudden they want electronic gambling to compete. It's not about the gambling.

Alderman Budmats - When we voted on this originally I recall that the sentiment was that we didn't want somebody moving in and serving chips and cookies and calling it a restaurant and that it allowed them to open up a gambling establishment. Yes, we wanted them to serve food and alcohol and we wanted them to have a well-rounded business and not just be in the business of promoting gambling and making it a gambling hall that served just the minimum amount of food in order to be passable and be able to have that service provided. The restaurant in question is already a restaurant and a bar so it's not a question of if they're here or if they're coming here for the sole purpose of establishing a gaming facility. They're already here in business, they're already serving food and drinks to residents so it's just about them competing with the rest of the businesses that are already providing that service. If they were coming in new I would expect them to meet the standards because they are building a kitchen from scratch. If they're not and they've already been serving food and alcohol for years it does seem that they met the intent of the original law. The way it was presented and voted on was that we didn't want people who are just serving potato chips and cookies so that they could get by.

Mayor Gallo - I just want to clarify that we're talking about restaurants and we talk about restaurants we look at Chapter 102, Article IV-Food and Beverage Tax, Sec. 102 – 147 of our Ordinance says "*For the purposes of the section a "restaurant" shall be defined as an establishment with a wide selection of food and beverages in which customers can be served meals at their table and pay at the end of their meal.*" This is what they do and this is what they've been doing for a decade. So they are a restaurant first.

Alderman Bisesi - It's not just this one case, there could be others is what I'm trying to say. There may be merit to the one at hand, I'm not saying there isn't.

Mayor Gallo - This is an opportunity to look at those other cases. Again, this is about a grandfather clause so when you read back in this portion of the council action summary, in the fiscal year 2018 the City approved video gaming with this G1 license established, it also states if you read further down this is for any establishment that has been here since 2016 and earlier. Again, there's a wide array of potential opportunities for restaurants here and I don't think that we need to make it any more difficult for them to get into this opportunity if they so choose.

Alderman Cannon - I'm not going to support this because I think it's a question of fairness. I think the people who've come to our town recently and made the investment in some ways puts them at a competitive disadvantage for someone else to be able to serve food and not do it at the same level. My own personal opinion is as gambling options become more prevalent in Illinois I think people are going to have to make sure they

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have more than just video gaming as a way of income. I would only support the current way it's set up right now with gas and a hood over it.

Alderman D'Astice - I have been a proponent of this from the start and the whole idea was to put businesses in Rolling Meadows at a competitive advantage and to attract new restaurants to the City using video gaming as an impetus. As I read this, it says "establishments that have been operating in the city for minimum of two years" and then it goes on to further note "specialty bars, specialty grocer, liquor store, or VFW hall, etc." I don't think we have a VFW hall in town and I certainly don't want liquor stores to have video gaming. The only specialty grocer that I could think of is the Amish Farmer and I don't think they would put it in there. It looks like it's being proposed that we change this for one business and I will not be supporting this.

Alderman Budmats - I don't think Bulldog has applied but I think they might also fit into this.

Barry Krumstok, City Manager - Actually, Bulldog is on the gaming board as approved but they have never come to the City for the G1 license or the build out.

Alderman Sanoica – They're approved because they already follow in line of the original ordinance?

Barry Krumstok, City Manager - They are approved because they have a liquor license and they went to the gaming board saying that they are in the City of Rolling Meadows and the City of Rolling Meadows allows gaming when they were approved by the gaming board. However, they are not approved by the City of Rolling Meadows because they have not done their build out and they have not come to us for a G1.

Alderman O'Brien - As a follow-up to that if they were to come to the City, they would qualify as it's currently written because they have a fully operational kitchen with a hood?

Barry Krumstok, City Manager - The only thing they would have to do for the G1 is build the room but they have everything else.

Alderman Sanoica – I just have some questions. How many businesses have been affected by this so far? It sounds like Bulldog already put in the investment so for us to make this grandfather clause for them, is that something they missed out on? I don't understand.

Barry Krumstok, City Manager - When Bulldog took over the old Chili's and did the renovation we did not allow gaming at that time. So when they did their full build out they did not put that separate area that's required. There are 6 entities in the City of Rolling Meadows that are allowed video gaming by their G1.

Alderman Sanoica – It's the area not the kitchen hood that's being proposed here in part b.

Barry Krumstok, City Manager - They already have the grill in the hood, they're a full kitchen. The only thing they're missing is the build out.

Alderman Sanoica – I want to know how many other businesses this would affect. If it's affecting multiple businesses or businesses that are already making the investment that are here and qualify for the G1 license.

Mayor Gallo - To date, we have not had a single restaurant have to go through a conversion that's already been pre-existing. Any restaurant that has built out a gas grill with a range hood was a brand-new build with the opportunity to build to suit.

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Alderman Bisesi - Is there anyone who is asking for the video gaming that does not comply with the gas grill and hood?

Mayor Gallo - Yes, there is a restaurant, an establishment.

Alderman Bisesi - Who is that?

Mayor Gallo - I don't know if it's appropriate to discuss in an open forum like this at this point.

Barry Krumstok, City Manager - There is one entity, they are here today and if they want to mention that they're the entity that's their responsibility. For the City, we don't disclose that information.

Mayor Gallo - Any other questions? Seeing none, we'll open the floor. The first sign for this subject is Todd Yormark.

Todd Yormark, Daisy's Cafe, Kirchoff Road, Rolling Meadows - Good evening Mayor, City Council Members and City of Rolling Meadows Staff. I'm here to discuss this topic. Last year when we were seeking a new location for Daisy's we were thrilled and excited to be accepted into Rolling Meadows and the business community. Because of the grill with the hood ordinance that is currently in place we thought a restaurant with a video gaming business model would be a perfect fit in the City. This ordinance would also mean that our establishment along with everybody else would be on a level playing field. All of us who have restaurants with video gaming have invested money, time and we fully comply with the current City ordinance and it should not change to protect our business and investment. My question is, why should certain businesses not have to comply with the rules and regulations that all of us have had to go through? I'm not standing here crying poor, I strongly support new businesses in our business community as long as it's fair. Additionally, by changing this current ordinance this might also open the doors to even more national out of town gaming café chains that can potentially enter our business community. These national gaming cafés only care about the gaming and not the food. If this ordinance changes it would not be fair for all of us who did it the right way. As a business owner competition is good as long as it's fair, honest and all we ask for is a level playing field. Thank you for your time.

Mayor Gallo - To clarify, it would not open the market for new establishments, this is only for businesses that have been in and established in Rolling Meadows two years prior to 2018. The next name on the list for this item is David Pederson and Ryan Gumma.

David Pederson, Bigby's Pour House, Rolling Meadows - Thank you for taking the time to discuss this topic for us. One of the first things that we wanted to say was that Bigby's Pour House has always been, from the day we opened, a food and beer place and now we have (in Rolling Meadows) a full liquor bar with wine and we try to source as much as we can locally from any of our wineries and local distilleries. Our primary source of revenue and our primary intention has always been a craft beer place with some creative cuisine. Whether we had Bigby's in Rolling Meadows or Addison or any other town our motto wouldn't change. If we opened up in another town that allowed gaming but don't need to have a hood or we don't need to have a menu, our intention wouldn't change, it is what Bigby's is. Some of these other cafés, the ones that he was referring to earlier, if a town required a hood they would put a hood in and if a town doesn't require a hood maybe they wouldn't put hood in. That's not our motto, our motto is craft beer which we try to source as much as we can locally, we try to offer a creative cuisine and it would be the same no matter where we were.

Ryan Gumma, Bigby's Pour House, Rolling Meadows - I would like to reiterate, first and foremost we are a restaurant, we are a table service not counter service we never have been. The only reason we're looking to add

gaming is to augment our business. This isn't our primary focus, this is just something to add. One of the intentions of the gaming law was to help existing bars that were struggling. I know a lot of municipalities this was to help a lot of existing businesses who were struggling and bring them a little something extra to the table. That's what we're looking for, profit margins are razor thin and we're not looking for anything special we're just looking to add a little gaming to our current business. Again, we're a full-service restaurant. One of the other things would be that if we had to install a hood it would be very disruptive to our business and it's possible that we would have to close down and the expense that we would incur, \$25,000 to \$30,000 is a pretty accurate number. The actual hood wouldn't cost that much but when you get into all the other dynamics of what would have to happen to the ventilation system and to the actual kitchen it would all add up. If we were coming to Rolling Meadows today to a brand-new facility and building it out that may be an option for us. Our place is small, there is no place for us to go or expand, we're in a small narrow place and to retrofit a hood is not really practical, very expensive and very disruptive. Plus our customers are happy with our menu, we've been around a while and our customers aren't looking for anything more. We've signed a 10 year lease, we're not looking to change our business model, we're just looking to add some gaming machines to the corner of the bar.

Alderman Sanoica – Do you have a kitchen?

David Pederson, Bigby's Pour House, Rolling Meadows - We do have a kitchen, it's a small kitchen and it would be very difficult to retrofit a hood into our existing kitchen.

Alderman Budmats - Can you give us the extent of your kitchen and the investment you've made so that we understand.

Ryan Gumma, Bigby's Pour House, Rolling Meadows – Coolers, freezers, ovens, worktable, slicer, pizza ovens, the basic stuff.

Mayor Gallo - The next name on the sign in sheet is Todd Yormack.

Tim Yormack, Daisy's Cafe, Kirchoff Road, Rolling Meadows – Good evening and thank you for your time. I'm pro-business and we're new in town. My question is, where does it end? I went to Target last night and purchased a George Foreman grill for \$19, you could use it to cook burgers, chicken breasts and brats. Where does it end? I understand the point of it, this is an exaggeration and I'm not here to insult anyone, I just think that it sets a dangerous precedent. To be honest, we're here in business and we made a tremendous investment financially and time wise and I think it potentially opens the floodgates for other large businesses to come in that are just here for the gaming providing no value to the City. We're here to provide a value just like Bigby's and I understand and respect that. I'm not going to go into detail about the money and the permits and the commercial hood and the fire and ancillary equipment and the sprinkler and on and on and on that we went through. We did it the right and fair way and I think everyone should be held to the same standard if that's a fair request. I understand that there are exceptions to a lot of things but sometimes it makes sense just to do it the right way. If you have any questions for us, I by no means an expert on the matter, we do have three restaurants, three businesses in different towns. Different towns handle it differently but most of them fall within the same level playing field. If you have any questions for us please let us know. My last comment would be sometimes the easy answer isn't the short term solution. Think of the long-term effects if there is 8 or 10 or 12 gaming cafés in town, nobody wins. You're just slitting each other's throat and it's not a good scenario. I understand to redefine or possibly amend the ordinance but in my opinion I think it's fine the way it is. Thank you for your time.

Mayor Gallo - For the Council, to be clear this is for an establishment that has been operating in the City for a minimum of two years before the ordinance, which was approved on June 12, 2018. It does not set any precedent

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for any new establishments coming in in anyway. This is for our pre-existing establishments that have kitchens that have been operating as restaurants that just may or may not have a gas grill with a range hood. This doesn't open any doors or any opportunities for any new businesses to come in. None of our businesses that have come in here and I appreciate the significant analogy for severity, seven George Foreman grills to commercially produce food as a line order cook. So we just have to be cognizant of that, this is not opening additional exposure for new this is just for pre-existing establishments that have been here since 2016 essentially.

Alderman Budmats – Question for Staff, if Bigby's were to sell the existing business to a different entity, let's just say national chain that was previously described, would they be able to continue with that license and then downgrade their food service to what we're trying to avoid?

Barry Krumstok, City Manager - You're using an example that did happen. Bigsby's has been in business for a long time and a partner purchased the majority of the business and that's why they've been able to expand the menu. You are correct, if someone were to purchase the business, with the wording in the ordinance right now, they would fall in that category unless additional wording is added, such as management can't change or something like that. That's what would happen if anyone who keeps the name of the business, they could still continue with that license.

Alderman Budmats - I'm all for helping existing businesses but I'm not trying to create a situation where a new business can purchase an existing business and gain unfair advantage walking in fresh.

Barry Krumstok, City Manager - This wording would still allow them to do it.

Mayor Gallo - This is an opportunity to adjust any wording or any areas that need it. That's what this session and this platform is about for the Council.

Alderman Sanoica - Question for Staff, which wording specifically are you looking at for that type of a loophole in (b)?

Barry Krumstok, City Manager - It says *an establishment that has been operating in the City for minimum of two years before ordinance 18 – 24 ... and is in good standing with the City since 2017*. That wording, for example, if XYZ has been operating and in good standing and someone comes in and buys XYZ they would be able to do whatever they wanted at that point.

Alderman Sanoica – Follow up for Alderman Budmats, with your line of thinking, are you saying that if it's still Bigby's Pour House and then someone decides that they no longer want to provide such a varied menu and it becomes essentially a gambling den?

Alderman Budmats - That's what I'm looking to avoid. The question is, does the liquor license transfer? Isn't it tied to the liquor license?

Barry Krumstok, City Manager - The liquor license is tied to the business so if they set up an LLC that would also trigger another thing however if someone bought the business and they kept the name and buy out the LLC we would not know the difference.

Alderman Budmats - Is there a way we can kick this back and have it rewritten and get to vote on it in a way that would be more palatable? I don't want to rewrite this in a way that has a loophole. We're trying to help an existing business but we don't want to make an unfair advantage for anyone new coming through and we're not trying to create gambling halls.

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Mayor Gallo - We should allow our legal counsel to adjust any verbiage that would take any ambiguity out of the equation.

Alderman Bisesi – I was just looking at (b) and supporting his comments regarding the specialty grocers, liquor stores, things like that. I think if we rewrite that that should be taken out.

Alderman Sanoica – For clarification, Alderman Bisesi is your suggestion to eliminate every part of the wording except for established restaurants?

Alderman Bisesi - Not necessarily. This is pertaining to, as the Mayor has clearly stated several times to businesses that were here at least two years prior to the ordinance, we don't have any veterans gathering halls. The only one it would apply to is liquor stores, specialty grocers but then there are specialty bars. I would prefer that we don't lose the intent of restaurant first, that's the bottom line.

Alderman Sanoica – Alderman Bisesi, what are your thoughts on providing a definition for an establishment as opposed to the examples in (b)? To say an establishment is and then referencing other areas of the Rolling Meadows City Code that defines a restaurant?

Mayor Gallo – Alderman Sanoica, I did do that when I referenced the restaurant tax incentive which was something that was brought up recently and for the purpose of this section a restaurant shall be defined as an establishment with a wide selection of food and beverages in which customers can be served meals at their table and pay at the end of their meal and it's already in our ordinance.

Alderman Sanoica - Perhaps the parentheses at the end of (b) is where some of the confusion is coming into play.

Mayor Gallo - The definition was developed by our hands when we developed the restaurant tax incentive so we can go ahead and amend both if that makes sense. We should keep things consistent when we're trying to keep definitions in play we need to keep them consistent across the board.

Alderman D'Astice – The Meridian is an establishment and they have a liquor license so they could open up a place and not have to put a hood in.

Mayor Gallo - Open up when, before 2016?

Alderman D'Astice – No, they're established. They meet the criteria.

Barry Krumstok, City Manager - They do have a hood and grill.

Alderman D'Astice – Could they open up another place, they are an established business in the City? Why can't they open another place?

Mayor Gallo – Geographically it doesn't fit...

Alderman D'Astice - It doesn't say that. What we're discussing tonight is does the Council want to have an (a) and a (b), the conversation is now going in six different directions. I don't think we have a specialty grocery store that has a liquor license. We have liquor stores but they don't serve food so they can do the chips/salsa and cookies and that would work based on this. We don't have a VFW Hall so I am opposed to changing an ordinance for the sake of one business.

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Mayor Gallo - Help me understand where you infer that they can do chips/salsa and cookies?

Alderman D'Astice - Where does it say in part (b) that they have to have food?

Mayor Gallo - It's not about the menu...

Alderman D'Astice - This is about wanting to change the law for one business and I'm opposed to that. I don't think it's fair to Daisy's or any of the other businesses that we have. I'm in the hotel and restaurant business and most full-service restaurants have a kitchen and a hood, it's a legal requirement. Bigsby's serves pizza but I don't know what kind of pizza oven they have and I don't know if they have a hood over that. Obviously they don't do any fried foods, I get that. They serve some grilled sandwiches, I get that. They serve food but they're not a full-service restaurant. This is changing the ordinance for one business and I don't think that's fair to all the other businesses in the City.

Mayor Gallo - Manager Krumstok, to be clear the gas grill and hood are not in the ordinance to date.

Barry Krumstok, City Manager - No.

Mayor Gallo - So we're not changing anything because it's not in the ordinance. It's a recommendation which the prior Mayors had either signed off on or they didn't.

Alderman Budmats - So if it's not part of the ordinance why are we voting on this? Why don't we just give them their gaming license?

Barry Krumstok, City Manager - The ordinance states at least one grill and the understanding of the hood.

Alderman Budmats - So the hood isn't even in there.

Barry Krumstok, City Manager - It was an understanding.

Mayor Gallo - It was the Mayor's discretion.

Alderman Budmats - Now I'm very nervous. We may be open to being sued because we're not following our ordinance because if it doesn't require them to have a hood and we're holding back their license, I'm very nervous about this. I'd like to get this rewritten, I'd like to table it and come back to this.

Barry Krumstok, City Manager - We can table it. Again, any liquor license is not a guarantee, it's a privilege. We can rewrite it, we can take out the word establishments and restaurants and put the definitions and we could bring it back. The firm sitting in back have waited through one Mayor until now and hopefully they can wait if we have more discussion.

Alderman D'Astice - If we're running scared as Mr. Budmats said about possible lawsuits than I think the people at Daisy's can also sue the City because if it wasn't in the ordinance and we forced them to do it they can have a lawsuit against us just as easily as the other companies can.

Mayor Gallo - I can't speak on behalf of that.

Alderman D'Astice - I know you can't so I am not in favor of tabling it, I'm in favor of taking a vote and I do not want to change it.

Mayor Gallo - The vote this evening is irrelevant at a roundtable forum.

Alderman D'Astice - You have to take a vote on whether we move this ahead or not.

Mayor Gallo - Even so, it leaves a lot of community exposure if we don't do anything at this point.

Alderman D'Astice - But you have to take a vote on whether we move it ahead or not

Mayor Gallo - If we don't move ahead we still have left over actions remaining to do anyway, that's all I'm trying to say. So with a vote, would the Council like to see this move forward?

Alderman Budmats - I made a motion to table this. Could we please table it? Or at least vote on tabling it.

Alderman Sanoica – Seconded.

Mayor Gallo - Let me see a quick show of hands to table this. Those in favor, raise your hand. Opposed? 2 in favor and 4 opposed.

Let me see a quick show of hands to proceed this up to the Council level. Those in favor, raise your hand. Opposed? 2 in favor and 4 opposed.

Alderman Budmats – Keep in mind that we voted not to bring this to Council but there is nothing in our current ordinance that requires them to have a hood.

Mayor Gallo – That is correct. As such, the Mayor can approve it.

Alderman D'Astice - No, the Mayor cannot approve it, the Council has to approve it.

Barry Krumstok, City Manager - He can approve to the ordinance for the G1 before the City Council.

Mayor Gallo – I can move it forward.

2) Chickens in Rolling Meadows (Alderman Sanoica) (#5 on Agenda)

Alderman Sanoica - Alderman Banger originally brought forth an ordinance to allow for backyard Chickens in May 2018. Council had concerns with (1) possible increased predators as a result of chickens, (2) diverting police and building inspector time to enforcing coop requirements, and (3) increased cleanliness/nuisance calls.

In response to the 2-5 defeat of Alderman Banger's ordinance, approximately 80 residents of Rolling Meadows joined the Rolling Meadows Citizens for Chickens (RMCfC) to demonstrate their interest in backyard chickens and address Council's concerns.

After conducting informational interviews with six comparable communities in the Chicago suburbs (Bartlett, Evanston, Berwyn, St. Charles, Oak Park and Bensenville). There is a summary of their back yard chicken programs in the Council packet.

None of the six communities reported increased nuisance calls regarding increased predators or increased noise after the implementation of their backyard chicken programs. Similarly, none of the communities reported complaints from unkempt coops as a result of their backyard chicken programs.

While none of the six communities could identify problems with their backyard chicken programs, some communities considered adjustments to their programs. Note, for Evanston and Bensenville, registration with the IL Department of Agriculture for a coop license is free. RMCfC recommends this step is unnecessary given the low number of backyard chickens permitted per residence.

The RMCfC recommends Option 1:

Option 1: Amend Chapter 14, Article I, Sec. 14-2 – Keeping animals other than domesticated pets

From:

Sec. 14-2. - Keeping animals other than domesticated pets.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Domesticated means any animal wild by nature that has been so reclaimed as to become tame, under the dominion and control of its owner, associated with family life or accustomed to living in or near the habitations of man.

Fowl includes chickens, turkeys, geese and ducks.

(b) Within the city, no person shall own or keep any goats, sheep, hogs, cattle, fowl, reptile or serpent, spider, or other animal normally wild, dangerous to human life or carnivorous in nature, other than domesticated house pets. Each day such animal is kept in violation of this section shall constitute a separate and distinct offense. It is no defense to a violation of this section that the owner or keeper of any animal or reptile that is prohibited in this section has attempted to domesticate such animal or reptile.

(Code 1967, § 4-2; Ord. No. 16-20, § 1, 7-12-2016)

To:

Sec. 14-2. - Keeping animals other than domesticated pets.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Domesticated means any animal wild by nature that has been so reclaimed as to become tame, under the dominion and control of its owner, associated with family life or accustomed to living in or near the habitations of man.

Fowl includes chickens, turkeys, geese and ducks.

*(b) Within the city, no person shall own or keep any goats, sheep, hogs, cattle, ~~fowl~~, **turkeys, geese, ducks**, reptile or serpent, spider, or other animal normally wild, dangerous to human life or carnivorous in nature, other than domesticated house pets **and backyard chickens. Backyard chickens refer to no more than six (6) egg-laying hens. Roosters are prohibited.** Each day such animal is kept in violation of this section shall constitute a separate and distinct offense. It is no defense to a violation of this section that the owner or keeper of any animal or reptile that is prohibited in this section has attempted to domesticate such animal or reptile.*

(Code 1967, § 4-2; Ord. No. 16-20, § 1, 7-12-2016)

Option 2: Amends Section 14-2 of the original Ordinance in our Code but also provides a significant amount of guidance.

From:

(b) Within the city, no person shall own or keep any goats, sheep, hogs, cattle, fowl, reptile or serpent, spider, or other animal normally wild, dangerous to human life or carnivorous in nature, other than domesticated house pets.

To:

*(b) Within the city, no person shall own or keep any goats, sheep, hogs, cattle, ~~fowl~~, turkeys, geese, ducks, reptile or serpent, spider, or other animal normally wild, dangerous to human life or carnivorous in nature, other than domesticated house pets **and backyard chickens**.*

EXHIBIT A is very similar to the original ordinance that was proposed:

New Ordinance Proposal (DRAFT)

AN ORDINANCE AMENDING CHAPTER 14 (“ANIMALS”)

WHEREAS, the City Council has determined it is in the best interest of the City to allow chickens on single-family residential property; and

WHEREAS, the City Council has further determined to regulate the raising of chickens.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Rolling Meadows, as follows:

SECTION ONE: Chapter 14, “Animals” is hereby amended by adding thereto, the following:

Article VII. Chickens. Sec. 14-150 Chickens

- a. The raising/keeping of chickens shall be permitted on residential zoning lots containing a minimum of eight thousand (8,000) square feet.
- b. A maximum of six (6) chickens shall be permitted on properties zoned and occupied for single family residential uses.
- c. All chickens shall be kept within a covered enclosure/structure with an attached covered/enclosed outdoor area to prevent chickens from encroaching onto neighboring properties.
- d. All enclosures/structures shall be located a minimum of five feet (5') from all lot lines.
- e. All chickens and enclosures/structures shall be kept/located in the rear yard only.
- f. All areas where chickens are kept shall be clean and well maintained with little to no accumulation of waste. In addition, all areas where chickens are kept shall not produce or cause odors that are detectable on adjacent properties.
- g. Roosters are prohibited.
- h. No slaughtering.
- i. No other poultry, including but not limited to geese, ducks and turkeys shall be kept on the property.

Sec. 14-151. - Injunction.

Any violation of this chapter is hereby declared to be unlawful and a public nuisance. Upon request of the city manager, an action by the city attorney for injunctive relief may be commenced for the abatement, removal and enjoyment thereof in the manner provided by law. Application shall be made to such court or courts which have jurisdiction to grant such relief, to abate or remove such use and restrain and enjoin any person from using property contrary to the provisions of this chapter.

SECTION TWO: This Ordinance shall be in full force and effect from and after its date of passage and approval as required by law.

SECTION THREE: This Ordinance shall be printed and published in pamphlet form by order of the City Council of Rolling Meadows, Illinois.

EXHIBIT B – There are a couple of main differences which are taking out some of the permitting requirements but for the most part they are quite similar.

Original Ordinance Proposal

AN ORDINANCE AMENDING CHAPTER 14 (“ANIMALS”)

WHEREAS, the City Council has determined it is in the best interest of the City to allow chickens on single-family residential property; and

WHEREAS, the City Council has further determined to regulate the raising of chickens.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Rolling Meadows, as follows:

SECTION ONE: Chapter 14, “Animals” is hereby mended by adding thereto, the following:

Article VII. Chickens. Sec. 14-150 Chickens

- a. The raising/keeping of chickens shall be permitted on residential zoning lots containing a minimum of eight thousand (8,000) square feet.
- b. A maximum of four (4) chickens shall be permitted on properties zoned and occupied for single family residential uses.
- c. All chickens shall be kept within a covered enclosure/structure with an attached covered/enclosed outdoor area to prevent chickens from encroaching onto neighboring properties.
- d. An outdoor area a minimum of six (6) square feet per chicken will be required and a maximum of one hundred (100) total square feet will be permitted for both the covered enclosure/structure and outdoor area.
- e. All enclosures/structures shall be located a minimum of five feet (5') from all lot lines.
- f. The structure shall contain insulated walls and/or an insulated blanket shall cover the structure during the winter months.
- g. All chickens and enclosures/structures shall be kept/located in the rear yard only.
- h. All areas where chickens are kept shall be clean and well maintained with little to no accumulation of waste. In addition, all areas where chickens are kept shall not produce or cause odors that are detectable on adjacent properties.
- i. Roosters are prohibited.
- j. No slaughtering.
- k. No other poultry, including but not limited to geese, ducks and turkeys shall be kept on the property.
- l. An initial building permit shall be required for all enclosures/structures associated with the raising of chickens. A building inspection/approval is required prior to obtaining a chicken license.
- m. A chicken license issued by the City with a one-time fee of twenty five dollars (\$25.00) shall be required prior to purchasing the chickens. A renewal license shall be required each year thereafter, with no additional fee or building inspection required.
- n. Proof of registration with the Illinois Department of Agriculture will be required with the annual license.
- o. A maximum of twenty five (25) residential zoning lots will be licensed to have chickens in the City at one (1) time.

Sec. 14-151. - Injunction.

Any violation of this chapter is hereby declared to be unlawful and a public nuisance. Upon request of the city manager, an action by the city attorney for injunctive relief may be commenced for the abatement, removal and enjoyment thereof in the manner provided by law. Application shall be made to such court or courts which have jurisdiction to grant such relief, to abate or remove such use and restrain and enjoin any person from using property contrary to the provisions of this chapter.

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If we were to go forward with Option 1 that's essentially treating the backyard hens/chickens similar to our current pets. So things like noise ordinances, animal cruelty or requirements of what types of structures you can build on your property our already covered under other ordinances that we have in our code so that's why that option is there.

Alderman O'Brien - I did hear from a total of 49 residents, overall 37 from the 3rd Ward there was a clear support for this but there was a couple of items they did ask. There was some concern around the predatory animals, it was more for informational than educational purposes. A couple of the points that those in favor was wondering if the City could be able to incorporate, if the ordinance were to move forward, is about a tracking, not necessarily a revenue stream but some type of notice of how many chickens each resident has. There was another one regarding the lot line, if that could be moved further or off the rear lot line in case of somebody's patio/deck is off the rear lot line instead of the side one. The other one was regarding the coop, if the resident were to move that they would remove the coop upon the sale of their property or rental of the property. That's another question, is this only for ownership or would it be allowed for rental properties as well? That's probably more of a landlord thing, I don't know if we would have any jurisdiction on that. If after a certain timeframe, say 3 or 6 months of having a coop and they decide that it's way more work than they thought or if it sits vacant and they don't have chickens any longer for a certain number of days or months that it would also have to be removed, it can't just sit there vacant.

Barry Krumstok, City Manager - Can I just clarify questions and/or comments. Going back to the bee ordinance that we do have, there is an annual fee so we do know where the 5 are registered. We already do that so this is the only thing we would have for tracking. We call it registration not tracking and there is an annual fee. The fee for an annual bee permit is \$10, it's nominal and it's just making sure we know who the owner is. As for the inspections, we do not inspect bees but we do drive by each of the homes that is registered and make sure they have what is required. They would need to register with IL Department of Agriculture and the bees do not. The comment that I also want to clarify, think you're referring to (d) in the proposed ordinance, all enclosures/structures shall be located a minimum of 5 feet from all lot lines. I think you said rear only.

Alderman O'Brien - It was just 1 resident that that was asking if it could be off of the rear property line vs. just any lot line.

Alderman Sanoica - Just to clarify, are we referring to exhibit A for the new ordinance proposal draft? In A we do not include the registration IL Department of Agriculture to avoid commercializing the eggs.

Alderman Budmats - I have been contacted about this by number residents as well. In my own Ward it is not running pro-chicken it is actually running anti-chicken. A couple of comments that were brought up is that there

was some concern about chicken waste that can carry salmonella, what if somebody sells the property and the next family moves puts up a playground for their kids right where the chicken coop was and how do we remediate whatever disease would have been there as a result of the chicken droppings which can contain salmonella. Another resident said that they really don't want this 5 feet away from them, they can't even have a shed 5 feet away it would have to be 10 feet based on where the lot lines are. I would strongly urge us to consider a larger amount of space between chicken coops and neighbors. Given the fact of what I read that chickens do require some space to be able to roam etc. and if I didn't have a fence between myself and my neighbor I don't know if I would necessarily want to have their chickens walking into my yard.

Mayor Gallo – For clarification, salmonella or sometimes called campylobacter lasts 1 to 4 hours hard and fabric surfaces.

Alderman D'Astice – The emails I received not from people in my Ward, were 9 opposed and 7 in favor. The communications that I received from the people in my Ward were 10 opposed and 3 in favor. Items they brought up was where did 8000 come from? Why not ¼ acre which is 10,890 ft.²? Minimum should be 1/5 of an acre which is 8713 ft.² I also heard 5 feet from the lot line is absolutely not acceptable, most of the people said 15 feet. Most said there should be some kind of permitting and inspections to make sure that the coops are being taken care of. I don't think that what Ms. Sanoica proposed is good enough. I did some research and the minimum size requirement of a coop is 3 foot per chicken so if you have 6 chickens you need 18 ft.² coop. I believe we should standardize that so if you want to have a coop it needs to be 20 ft.². I also read that you need 10 feet per chicken outside of the coop, so if you have 6 chickens, that 60 more feet. So you need to have 80 ft.² of space dedicated towards chickens and it should be all fenced off. The biggest issue I heard was neighbors and community. I heard we're a City not a farm. Neighbors and community really stood out to me and I thought how can we do this, if I really want to do this coop that I don't alienate my neighbors, people I've been friends with for 20 years all of a sudden think I'm being antagonistic towards them or my dog is bothering their chickens so they're not laying eggs and now we have a fight. My suggestion is that if an individual wants to have a coop and when they apply for permit, we as a City should send an anonymous letter to all the neighbors whose property abut the permit requester. The question could be something as simple as one of your neighbors would like to build a chicken coop in their backyard, do you approve? If all the neighbors approve then there shouldn't be any arguments and nobody will be mad at each other. But if somebody feels they can say no anonymously than the neighbors don't fight. I think that absolutely has to be a part of this. We take it upon ourselves to find out if the neighbors want this and you give them a timeframe and if they don't respond the answer is yes. It's about neighbors and community and this can make some people very upset.

Alderman Sanoica – Alderman D'Astice, thank you for your comments, it's clear that you thought a lot about this. With regards to the 8000 foot determination, that was determined when Alderman Banger originally created the ordinance in May 2018 together with our legal counsel that was determined as the size of the lot, of a typical home in Rolling Meadows. As far as the space per chicken that was also included similar to what you were saying to give chickens enough space to be able to move around. Through research since May 2018, many subject matter experts said that was unnecessary. With regards to your idea about requesting permission from neighbors, I think that's very considerate. As a City, I feel that the purpose of having an ordinance is so that we eliminate a case-by-case basis so that those who do want to have backyard chickens there are guidelines in place and there are also methods for those who are not happy with chickens because of things like smell or cleanliness to then have a method for enforcement.

Alderman Cannon - I received a few more than 20 emails today, I can't really say that it was helpful to me because they were all over the place. I would say they were half-and-half each way. Some people were extremely forceful that they don't want them saying that were a city suburb not a rural suburb. A couple comments that I would make, a 5 foot setback is really concerning to me because that's really close to your neighbor so I think

that's something that we need to address. We definitely need fences in the backyard. My concern when we talked about this before is that I don't want it to become a burden for the City, so whatever we can do to make it the least burdensome as possible, I know the Police Department doesn't want anything to do with this and I really don't want our billing department to get involved with a lot of these things. One of the question I would ask, is do you have any feel of how many people might do this right at the beginning?

Alderman Sanoica - Speaking with those who are very passionate about this I would say probably less than 10 families.

Alderman Cannon - One of the things that I would offer is maybe a compromise, maybe we could consider approving this on a temporary basis through the end of next year.

Alderman Sanoica - My thoughts on a temporary program would be that since there is such a significant investment for those who are doing this right and because we missed the season for raising chickens for those that want the baby chicks for their families to raise and then the chickens living longer, I feel that giving it some permanence for the welfare of the animals is important so the incentive to actually invest correctly is there. With that said, Bartlett is a temporary program, they started off to see if it was going to work out and it did end up working out. Because we have these comparable communities that support this to not necessarily be an issue. My goal is to skip that step if we can.

Alderman Cannon - I'm not worried about the people who already have good intentions, I'm worried about someone who says let's get a couple of chickens and they're really not committed to this.

Mayor Gallo - Alderman Cannon, do you believe you can help us come up with some sort of metric to determine the success or failure of the program?

Alderman Cannon - It's very simple, by the kind of complaints we're getting.

Mayor Gallo - Just a matter of complaints?

Alderman Cannon - I don't know how else we would measure it.

Mayor Gallo - I'm not sure, I would hate for those who are doing well to be penalized and then have to take a living creature and probably have to have it dispatched in some capacity.

Alderman Cannon - I don't disagree with you, I'm not out to make it difficult I'm just saying a lot of us are on the fence. I'm not speaking for anyone else but myself, I'm not really against it but I just don't know if I'm really for it either. I don't want anyone to kill their animal over this. I think if it goes the way you're presenting it, it will be a no-brainer next year. It's just an opinion.

Mayor Gallo - I agree. I too sit in your camp, I'm indifferent and I know I will not purchase chickens. I think it's a great idea for those who have the discipline and the financial capacity to do it and desire to do it. I know that some of the opposition that we've been dealing with and I've gotten plenty in my inbox as well. Some have been purely emotionally driven and not necessarily statistical or objectively driven and fears about odor or increased predation. We have more predation based on the amount of garbage we put on the side of a road than we do from the livestock if we were to have one or two chickens or an additional household cat. As far as the odor, unfortunately I know some people who can't go out in their backyard because their neighbors have dogs who don't pick up feces after and the smell of fermenting fecal matter goes into their backyard. So as far as smell goes, you'll get that from anything but chicken feces is not that comparable to a dogs. All of these fears

or trepidation's can be made the same argument for any other livestock family pet that we already have in our homes today.

Alderman Sanoica – Alderman Cannon, the original ordinance that is presented in exhibit B included the licensing and tracking that Alderman O'Brien and City Manager Krumstok brought up. In order to be able to have the benefits of a pilot program where we have some select families we could perhaps change our ordinance to include licensing limits. In the original, licensing limits was set at 25, if you want we could set it at 10 and then in a years' time, we can revisit and increase that to something higher or if the demand is there we could perhaps revisit it sooner.

Alderman Cannon - I have no problem with that but what happens if 14 people say they want to get in it right away?

Alderman Sanoica - We only have 10? Perhaps we can do a lottery and then revisit after years' time if there's no problems or if we want to do a judgment program. This may take some staff time if we wanted to do that. You said 14 and then maybe 25 is a better number to start with. From the individuals that I talked to seems like it's about 10 families but I can come back and then we can adjust that in future date.

Alderman Cannon – That's fine.

Alderman Budmats - One other person brought up something and I'm assuming there are still some houses that are on wells in Rolling Meadows, does this affect the groundwater?

Barry Krumstok, City Manager – I'm not a professional, but no, it shouldn't but are correct, some sections out West that still have wells but the majority are on city water. I do want to remind everyone that this is an ordinance so the 1st reading can have 10 and then depending on what feedback we get, we can always change it. If we're doing it as a pilot program, can we do it at least for two years because we need feedback?

Alderman Bisesi - Almost every comment that have gotten through email has been covered. The only one that I didn't hear is what about wintertime? Where do chickens go when it gets 20 below zero?

Barry Krumstok, City Manager – In the first ordinance actually addresses that about blankets and insulation. Typically they stay in their homes at that point. I know that people in past have brought them into their physical home but once you're investing into this, they're going to have the insulated coops, etc.

Alderman Bisesi – About 50% of the people I spoke to are in favor of this ordinance. There was another concern about property values. Would there be an impact to property values? I don't even know if it's relevant. Lastly, there was a comment about disposal of the chickens.

Alderman Sanoica – I can speak to some of these. I'll go backwards, starting with the disposal of chickens and also roosters. If you're buying little baby chickens it's not necessarily guaranteed that you'll have all hens and so there are chicken rescues within the Chicagoland area that will take the rooster and take care of it somewhere else. We have a family that's here today, they'll take all roosters to their home in Kentucky. In regards to property values, this was not an original consideration from the previous discussion in May 2018 so that was not fully researched but we can do that for you. I do want to mention that there are communities that are highly regarded which is St. Charles and Glenview that have chickens and chicken programs. That would be data that we would have to circle back on so that you can see the trends. As for winter, there are some varieties of chickens that are heartier depends on the breed of the chicken.

Mayor Gallo – Any further comment before I open the floor up to those who have signed in? Seeing none, I'm going to call up the first speaker on this item.

Patricia Callahan, Wellington Court, Rolling Meadows - Good evening Mayor and Council. I'm up here to basically tell a story from my mom who's 83 years old, she grew up in downtown Arlington Heights. She was born in 1935 and she lived in the downtown area and back in those days they had chickens. In an established downtown community houses side-by-side and backyard to backyard they had chickens. They had anywhere from 4 to 8 chickens at a time. They didn't have problems and this was back when Rolling Meadows was fields and farmland. They had the coyotes in the foxes and they didn't have problems with predators coming out to the coop. I just wanted to share that story. They had chickens in Arlington Heights until about 1949 until a new Mayor came to town, he was trying to keep up with a town further down the tracks and she thinks it was Park Ridge, so they had no more chickens. They had to get rid of all the chickens. In response to Alderman D'Astice's comment about sending out a letter, that's a very wonderful sentiment and courteous but you don't do that when you're in a neighborhood and you get a new dog. You're thinking this cute little puppy is going to be mild-mannered and have a wonderful disposition and every time you open up the door to let him out he starts barking. He barks and barks and barks and barks. That happens in communities, dogs bark and they become a nuisance. Chickens don't really make that much noise. My daughter has chickens and they have approximately anywhere from 30 to 40 at any given time. You pull up to the property and you don't even know that there's chickens there. I live in a condo and I cannot have chickens on my property and I don't think the condo association would appreciate me having a coop on my balcony. I do support the residents having chickens because we are at a time when food is so processed.

Lauren Galucci – Oak Lane, Rolling Meadows - Thank you guys for having me again. I think I have the answers to the questions and things that came up. I'd have for it to cut in to my five minutes but I do talk fast when I'm nervous so I'm just going to fly through the answers and get down to what I really like to say. A lot of the answers are included in either the double-sided chicken flyer or the information to the City that we presented. So really quickly for some background, I attended the city Council meeting last year, I met many of you there and spoke to you and I appreciate your time. You guys have been bogged down with emails and feedback and I really do appreciate the time you've put into this issue for those of us who are interested in it. After that last City Council meeting we had two people speak up about chickens, both in favor and zero against. Clearly, based on what I'm seeing on the social media platform the last couple days, people are very passionate about this issue and I don't think we'd be discussing it for a third time if we didn't have people that are that interested in it. A lot of people waited until three days before the meeting to become passionate which is frustrating because it really hasn't given me time to give them the feedback. You guys have the information which is great. I just want to address a few things starting with salmonella but that was already addressed, reptiles as pets can also carry salmonella. I've had a ball python for five years and I have not yet caught salmonella so it is manageable in the sense of his long as you're washing your hands you really should be okay. I'm aware of where residents got that information, I've read the US Department of Agriculture reports on these outbreaks of salmonella and the people who are named in those outbreaks are people who are directly handling their animals and not washing their hands. Our risk yes one that can be mitigated pretty easily. You already addressed the lot size question. We talked about a pilot program last year and the Council had decided that it was not necessary, I don't think anyone actually has a problem with the pilot program but that's why it was removed. At last May's discussion it was discussed and I would have to go back and read the minutes from that meeting but the Council actually said that that doesn't seem necessary, so that's why it was removed. I don't think anyone who is interested in chickens would be opposed to a pilot program because I personally feel that it would almost definitely continue after based on what I've seen in the data. If that's something that would help the process by all means I think it's an option. Tracking chickens that was something that we removed and again is not a problem to put back in. It was also discussed last year and the question was where did we come up with a number, it was an arbitrary number, it was just decided as some buy in and again I got the impression from

the Council that it really nobody felt it was necessary. I actually do think that tracking, I'm willing to pay for license, but I don't think that it's necessary, even the Council last year didn't feel it was necessary. For tracking purposes, I think it's a great idea to know who has them, mostly because it allows the group of residents who are interested to provide support to people should they want or need it. So is actually pretty helpful for those who of us who have been in this chicken group which has an official name, Rolling Meadows Citizens for Chickens. We've been active for almost a year and we've definitely discussed being self-policing which will decrease resources from City which Alderman Cannon presented to me at the last meeting and it's something that I kept in mind. We're not an official anything that can do anything but we can provide support to residents who are interested and may not have the knowledge base or have unanswered questions. So in any role that can be done you have as of today 103 members of a Facebook group that are interested in chickens in Rolling Meadows who are all sort of willing to be that resource. Registering chickens is not something that I think anybody is opposed to. As far as neighbors, from what I can tell neighbors don't actually want anything in Rolling Meadows, they don't want a new fire station, they don't want stuff on Dominick's, they don't want construction on Kirchoff, they don't want potholes. There is no way you're going to win everyone over and I know that. I actually have only one neighbor who I've already spoken to casually and said that sounds great that I would be interested in that. It is possible to get your neighbors consent and it is also not really fair that you're starting people behind, you're handicapping them from the start in some ways, you're not allowing them to prove the positives. You have no faith in them essentially which is disappointing and I have noticed a lack of faith in each other on the social media platform as well. If it's my property and I could build a shed on without asking you and I can build a gazebo on it which was referenced as one of the reasons that someone didn't want a chicken coop. I built a gazebo and I don't want a chicken coop next door, did you ask your neighbors if they liked your gazebo? I could build a dog house and I don't need your permission. At some point there has to be a line that neighbors can just not cross. Disposable birds, we do have a family that owned a farm and are willing to take accidental roosters and hens for whatever reason. We have options to rehome those chickens. That being said, I threw away a chicken carcass last night in the garbage after my family ate a rotisserie chicken so we're not talking about anything out of the realm. What do people do with their guinea pigs or pet mice that die earlier, it's your personal comfort level of course but my answer to that question would be that there are appropriate ways to dispose of the chicken, there really aren't any problematic ways that I'm envisioning disposing of a chicken aside from putting it out before garbage day. There are many cold hearty breeds in this group can certainly recommend. I basically tackled all your questions. Please take a look at this it does address noise levels, property values, all of the towns in the 10 most competitive housing markets on the Forbes list allows background chickens so I'm going to assume that it doesn't hurt property values. Every single town we talked to we asked specifically if they had an increase in predators and they said no. We asked if they had an increase in nuisance calls, has anybody been chasing chickens, has your Police Department had to get involved and the answer is no across-the-board. We asked if they would make any changes and they said no. While I know there are vocal anti-chicken people out there and their numbers might rival the people who are interested. I would argue that there is no information to back up and in fact we're discussing the same concerns that we discussed a year ago with the information here people are fall back on those same concerns and there is nothing to support it. We're talking about 5 pounds birds that make less waste than your dog, make up less than a dog if you put them altogether. I would ask that they get the same shake that your dog would get, we don't ask for permission to build a doghouse, we don't have to license our dogs. Someone actually recommended micro-chipping all the chickens, I'm not required to microchip my dog but I do because I want them to come back to me if anything were to happen. To suggest that we impose extra restrictions on a chicken that are so far and above of what is really required. You're asking people to just have common sense, to be responsible neighbors and I think you have a group of people who are interested and willing to do that. Thank you again for your time.

Carol Allian – Oak Street, Rolling Meadows - Good evening. I just wanted to make a quick note that I'd love for you to consider yes for my neighbors to have chickens. I found the research done by the Rolling Meadows Citizens for Chickens excellent and really falls in line with Rolling Meadows and their founders goal of progress

through participation. I did my own research and really couldn't find anything that could affect me negatively as a neighbor. Here is some negative things that I did find. Chickens can be expensive, the average chicken will cost someone about \$3-\$5, there's additional expenses to keep the chicken, the coop, the good news is those handy with tools and scrap wood could probably pretty much build a very good coop with minimum cost as three of my friends have done. Size restrictions could be considered especially if the coop is to be a stacked coop then you would have to accommodate the required size per chicken but you'd still fall in lines with the required code. Of course there's a cost of my neighbors having to feed their chickens as they eat between ½ cup to 1 cup of feed per day and then they need other grit and oyster shells, vitamins and electrolytes, and dusting powder and toys, etc. that are no more expensive than my poor dog who's spoiled rotten. Ask yourself, will any of this affect me or you as a neighbor? My answer to that is no, no more than the occasional loose dog or those families who let their cats pee on my patio furniture because they don't keep them indoors at night. Yes, chicken can get lice and mites not to mention intestinal worms and other icky parasites. They dust back themselves regularly so keeping parasites in check for themselves. Logically speaking, will those bugs travel across my yard to any other or through any other animal that may pick them up, no, no more than my kids do from summer camp or school. I see many pluses to this entire request, chickens are great for bug control, they love to dig around for little bugs and they are pretty adept to catching midair as well therefore reducing the mosquitoes. Chickens are also really good mousers too, as a matter of fact my friend told me that her hens are better at catching and killing mice than her cats are. When you store their food as long as it's in a covered container there's really no reason to attract anymore rodents than the normal birdfeeder that my neighbor has. The source of eggs that goes without saying that having your own chickens will provide a quick source of eggs depending on the breed you get, you get anywhere from 250 to 350 eggs per hen, per year which is awesome as far as that educational experience for everybody around and we all get to have fresh eggs. The smell of waste, I did buy bags of chicken coop and you can buy them at your local store for fertilizing my yard. Basically it is much safer and no one noticed from the neighbor's side a thing in my yard including those 3 forgotten bags in my shed that I didn't understand what the smell was from about 4 years later. In summary, I think this is something that really should be considered, thank you for your time.

Mayor Gallo – That wraps up the signatures on the sign in sheet. Is there further discussion on this?

Alderman Sanoica - I just want to have clarification from Council based off all of the feedback that we had on some of the changes we'll likely make to the ordinance that we have proposed, the draft ordinance that we have before us. Or is this something that we would do at a later date?

Barry Krumstok, City Manager - I think that my recommendation is that we tried to narrow this down one way or another in your straw votes. What I have in my notes is that were taking the new ordinance proposal, an old ordinance proposal and sort of merging them. For me, I just need clarification on which merge it is. That would be my recommendation.

Mayor Gallo - So the question becomes is there a specific straw vote or a specific model that you would like to lead with first for the vote?

Alderman Sanoica - Originally I had asked Council if we wanted to go through option 1 or option 2. Option 1 was very little guidance whatsoever it just took away the prohibition of chickens. It sounds like based off of our discussion that is not where we'll be going so like to amend the straw vote to be whether or not we pursue with option 2 and then make adjustments based off of our discussions today.

Mayor Gallo – Can I see a quick show of hands to pursue option 2?

Alderman Bisesi – Can I ask a quick question before we vote? I just want to make sure that I’m getting the options correct. Option 2 is basically changing the wording regarding the fowl or is it all of exhibit A?

Alderman Sanoica - Option 1 the only thing that was changed was Chapter 14, Article 1, Section 14-2 it’s just the words, it’s just changing the fact that chickens were banned. It’s just saying that that’s not true anymore and that you can have up to 6 chickens and roosters are prohibited. It doesn’t include any guidance with regards to where you can put your coop or anything like that. So based off discussion let’s scrap option 1 and look at option 2 which says we will be changing the language as in option 1 so it gets rid of the language that says chickens are prohibited and then it includes this additional ordinance that you see in exhibit A. Then I am adding for the purpose of our straw vote to pursue option 2 which is exhibit A ordinance but include all of the discussion items that we discussed here today which included perhaps changing the lot lines to at least 10 feet to make it consistent with sheds and we were also discussing perhaps removing the coop after 3 or 6 of months of nonuse. So we would pursue with that route, to pursue an ordinance as opposed to changing the current ordinance that we have.

Alderman Bisesi - I like a lot of what I’m seeing in exhibit B vs. exhibit A. I am not opposed to option 2.

Alderman Sanoica - The straw vote going forward and please let me know if any of the other council members are confused the straw vote going forward is that we will table this and return with an amended ordinance that combines the discussion items that we had today with the items in exhibit A and exhibit B and then we will return.

Mayor Gallo - So having said all that, can I have a quick show of hands of those in favor? Opposed? 5 in favor and 1 opposed. We will go ahead and pursue making the changes and updates including the notes you have captured.

Barry Krumstok, City Manager – And some of items that were talked about such as permit/license, we’ll add A and B and we’ll work on that.

Alderman D’Astice - Will this come back to another COW meeting so we could have further discussion?

Mayor Gallo – Yes. We will now go back into sequential order chronologically.

3) Emergency Operations/Management Training for Elected Officials (#1 on Agenda)

This item was postponed to the August 20, 2019 Committee-of-the-Whole Meeting.

4) City Website (#2 on Agenda)

Justin Chiappetta conducted a presentation on the City’s website to provide familiarity to the City Council. The overview will include Community Portal, Transparency Portal, Agendas and Minutes, Council Meeting Streaming and Video Archive, Public Works Construction Projects and the “How Do I…” sections of the website. The City website is due for a refresh during the 2020 fiscal year. A website refresh is included with the annual maintenance every five years.

5) Feeding Wild Animals (Alderman Cannon) (#4 on Agenda)

Alderman Cannon - Around Kennedy Pond there seems to be a problem of an individual or individuals feeding wild animal's corn and feed pellets. There are concerned citizens that clean up but the person doing it does not stop. I'm asking that would consider adopting an ordinance similar to Elk Grove Village so we have some ability to stop this person from doing it. I don't like to bring things up that gear towards a small portion of our society but I don't know what choice we have.

Elk Grove Village Ordinance reads as follows:

Feeding of Wildlife: It shall be unlawful for any person to knowingly or intentionally place or leave food of any kind outdoors or in a container placed outdoors in such a manner as to create offensive odors or for the purpose of feeding wildlife or to become an attractant to rodents, nuisance birds, wild animals, vermin or insects. Elevated bird feeders are allowed as long as all feed is placed in a container or feeder designed for the specific purpose of feeding birds. (Ord. 3435, 10-13-2015)

Mayor Gallo – Any questions or clarifications for Alderman Cannon? Seeing none, the question is a quick show of hands to see if we move this ordinance as drafted like Elk Grove Village up to the Council level for a vote and adoption? All those in favor? Opposed? It's unanimous, 6 in favor, 0 opposed.

6) The Basics of Robert's Rules – Parliamentary Procedure Overview

Barry Krumstok, City Manager - Robert's Rules of Order (some refer to it as "the manual") was first published in 1876 by US. Army Officer Henry Martyn Robert (he retired from the Army as a General). He adapted the rules and practice of the US Congress to the needs of non-legislative societies. The current Robert's Rules of Order is the 11th edition of the manual and was completed and published in 2011.

Overall, Robert's Rules of Order is supposed to be user-friendly, concise, organized, and a simple guide that covers the basics of the rules most frequently used in conducting and participating in an orderly and efficient meeting.

7) Space Needs

Rob Horne, Public Works Director - The City Hall building at 3600 Kirchoff Road has gone through several changes since it was originally built in 1961. Additions and remodeling have taken place in 1969, 1972, 1987, and most recently in 2006. While several considerations went into each of the building projects, much of the focus was "short-sighted" with little consideration to future needs and comprehensive improvements. The City has used the services of architects for some of the past projects but other projects were completed without the use of industry professionals.

As is true in most industries, many of the changes made in the past are no longer functional and congruent with current operations and the needs of the customer.

In 2016, Public Works staff identified several productivity, storage, and efficiency improvement needs at the Public Works Facility. Shortly afterwards, during internal staff meetings, it also became apparent that there were similar efficiency and storage needs at City Hall. Specific areas identified were the Finance, Administration, and Community Development areas. As a result of these preliminary discussions, a secondary meeting took place among senior staff members to discuss operational and storage needs in both buildings. Both public safety

departments pointed out significant concerns regarding public, employee, and elected official safety in the building. These needs were further exasperated by recent active-shooter incidents locally and of a similar agency type.

As a result of these discussions, since 2017, these projects have been identified in the Capital Improvement Plan. Subsequently, the first phase (design) for these projects is identified in the FY2019 budget. Staff feels strongly that these operational needs will not only benefit the staff by allowing a more efficient and productive workspace, but also provide a more safe and secure work environment.

At this meeting, staff will request to begin working with a design professional to conduct a needs assessment, space analysis, and development of a comprehensive plan for improvements to work areas within the Public Works building (Berdnick) and the City Hall. There are funds identified for this project in the FY2019 Budget. Staff proposes to have the required design work completed by the spring of 2020 for bidding, with construction to begin in November/December of 2020. By securing the award amount in spring of 2020, it will allow staff to propose the balance of the budget in the following year's budget. Essentially, this will allow for paying for the projects over 2 budget years, but still benefiting from the economies of scale and singular mobilization and project management costs. Several meetings have been held among Public Works, Police, Fire, Administration, and Finance Department heads and staff to discuss space needs, operational efficiencies, and safety modification needs at City Hall and Public Works. As part of these discussions, staff was asked to provide feedback on space improvements that focused on operational efficiencies, better customer support for the public conducting business, and concerns regarding safety.

Don Wenzel, Facilities Superintendent - Fire Station 16/Future Needs: Currently, all City departments, except Police, utilize a significant amount of space at the Public Works Facility located at 3000 Central Road for off-site dead file storage. Examples of off-site storage include: payroll records, human resource records, closed out permits, utility billing records, construction drawings, etc. The area that is currently being utilized is no longer adequate to hold the amount of records the City generates. These records are primarily those records that are required for retention by the State of Illinois. Secondly, current regulations require these records to be in an environmentally controlled and secured area. The current area does not account for these requirements.

Additionally, only in the last five (5) years has the City been actively engaged in the operation of Community Special Events. As a result of the numerous events held each year (20) there is a great need for storage of the many materials, supplies, and equipment necessary to be able to support the many special events the City is committed to providing.

The Police Department does utilize the facility for storage of other things, however. Currently, the Police Department utilizes an entire garage bay for storage of old records and space at the Public Works south facility for evidence, bikes, mobile command post, as well as storage obligations for agreements and cooperation with outside agencies. The Public Works Facility at Central Road has been a concern for both the City Council and Staff for quite a long time. Discussions related to the best plan of action related to the repair or elimination of this building have taken place for the better part of twenty (20) years. Over the next two years, staff will provide options for the City Council to consider in this regard. However, Staff is suggesting that consideration be given to retaining the current Fire Station 16 after the new building is completed until a long-term sustainable decision can be made with how best to proceed with the Public Works building on Central Road. This will allow the City Council and Staff to not make a hasty decision and would address some immediate space needs and provide each department with their own secured storage areas for required record retention.

Lastly, the City will continue to benefit from revenue received from cell providers that lease ground and antenna space on the site.

Barry Krumstok, City Manager - A lot of the storage that we have is record retention, some stuff is one year, three years, seven years or forever. Annually, we go through and see what we could dispose of and after we get the State's permission we then dispose the records. Technically, it's supposed to be in a tempered control area. If you go to old Public Works on Central Road where we store a lot and it is not temper controlled. We do think that fire station 16 would be great for us to really deal with some of our other items that we have to deal with.

Mayor Gallo - Is there any questions or clarifications from the presentation?

Alderman Cannon - Mr. Wenzel, I just want to compliment you on all the work you've done on this, I know you been doing this for years now. I think her old Public Works building is an embarrassment to the City. We've been talking about this for about 8 1/2 years, the building is falling apart and we share it with our friends at the Park District. I guess going forward I would suggest strongly that we consider a divorce from the Park District in this particular facility or merge with them somehow and make them part of the City. It's just a suggestion. For us to put more money in the building is just like throwing money out the window but that's just an opinion. Anybody that's been physically in the building understands it was built in sections and the fact that we have critical evidence in there, I would think that if a police agency came in and looked at that we would be chastise. I would strongly suggest if we're going to hire someone that we have a plan for a brand-new building somewhere whether it's there. Asked the Park District to make a decision to either get their own facility. I know in the past people expressed to me that we can move all of our equipment into the main Berdnick facility if the Park District wasn't there. That seems like a reasonable situation to me. I know the things that I'm saying are probably offensive to some people I don't mean them that way but I think that we've been messing around with the old Public Works for a really long time, it was before by 8 years. We just need to do something. Relative to taken over station 16, I feel strongly that it's a viable retail space for someone down the line so I would not look at that as a long-term solution, it's just an opinion. I would recommend that to be a short-term solution and get a more professional facility that's designed for storage because we have storage needs all over the place. I would suggest that we go for storage only building whether we need to build new or by an existing building and retrofitted, I think that would be the most logical thing and get plenty of space.

Alderman Sanoica - Question for staff for clarification. For Requested Council Direction number 2 on page 16 in our packet, has there been any other additional searches for where to place our documentation after the short-term use of fire station 16 into its long-term use?

Rob Horne, Director Public Works - One of the points I tried to make in the report was to let the Council know that staff has been working on alternative solutions to all these matters. It's going to take a while to be able to present and formulate a plan that makes sense for the City Council to choose a direction. We just didn't want to get to that point and have to kind of force a decision to be made at a time when the fire station was vacant and a decision needed to be made. Right now, our ask is short-term, let's just slow down and not do anything too soon until can present something to the City Council.

Don Wenzel, Facilities Superintendent - For facilities but we still need to do a space need.

Rob Horne, Director Public Works - That's on item 2 only.

Alderman O'Brien - similar to Alderman Cannon's comments once the fire department vacates potentially by the end of this year, could it be like a 12 month plan vs. moving something twice?

Don Wenzel, Facilities Superintendent - Depending on what's done and what the decision is, if it's a decision to knock down the building and rebuild we're looking at more than 12 months. We're trying to formulate a plan because we do have the storage needs.

Alderman Bisesi - I haven't been on the Council that long so I'm just curious about this one. The old Public Works building on Central Road, I've heard that there's not a whole lot we can do with that due to various laws and things regarding wetlands. Is it possible to knock down that building and use the same...

Rob Horne, Director Public Works - I would want an engineer to survey the site before I said anything definitively but there is a floodplain on the property however a good portion of the property is still buildable I believe, we just have to lay out the site in such a way that the building footprint was outside the floodplain in the parking area and storage area could be in the floodplain. There are a variety of options and we're happy to hear any options the City Council has.

Alderman Budmats - Just for purpose of conversation the firehouse is costing us about \$375 a square foot to build and the average storage facility is about \$50 a square foot. By moving storage into a firehouse we're spending about 8 to 9 times what people would normally spend. I understand as a short-term solution but as a long-term solution it's probably pretty poor.

Don Wenzel, Facilities Superintendent - We aren't just looking at record storage. The Central Road facility and we invite you down to take a look at it, the Central Road facility is full. We have our Forestry Department, we have all of our off-season equipment storage and the equipment that gets used infrequently (compressor, generators, trailers). The Park District has one third of it just for their daily operations, then they have the outside rooms which they have for youth baseball, youth football and special recreation. That building is full and it's not just record storage, if it was just record storage there are companies out there that you could pay to store your records and when you need something you call them and they bring it to you about five days later. That's not what we're talking about, the building itself is fully used beyond its capacity of what it should be. We presented a report to the City Council in 2009, we had a structural analysis done of the building and presented that to City Council and at that time we needed \$650,000 in repairs just to keep the building going for five years and we spent not a penny on that. Our operation requires certain equipment and it's not equipment you could readily go out and rent and get it when you need it. We invite you to come and take a tour and we'd be happy to walk you through it and show you what our obstacles are.

Barry Krumstok, City Manager - The museum also stores items there. At times, we also have outside agencies who store vehicles and other items. The building is still being used a lot. We're really maxed out. We're asking for a design professional to come in and assess our needs.

Alderman Cannon - If we could get additional storage space in general relative to this building, if we get some of the things out of there with that allow us to do some reconfiguring? The implication here is a lot of spaces are too small. Is storage here that we could move out if we had a place to put it?

Rob Horne, Director Public Works - I would say yes but I hesitate to answer any questions like that because we've noticed that when we don't get design professionals involved and do it ourselves we do it wrong.

Alderman Cannon - It seems like you're insinuating that we're going to have to add space to this building for people to fit in it, at least that's what I'm kind of reading behind the scenes.

Rob Horne, Director Public Works - If we have the ability to get the off-site storage at station 16 it might free up space in this area but again if they reconfigure areas we can maybe maximize space better than we do it now.

Alderman Cannon - The people that you want to hire are they a space specialist?

Barry Krumstok, City Manager – Yes, a professional space specialist.

Alderman D’Astice - I am opposed to using station 16 for any kind of permanent storage, I almost don’t like to use it for short term storage. I think that is a prime piece of property that we should be able to sell and maximize our dollars. I think we should take a hard look at the land on Central Road and see how much is buildable and we all know that old Public Works building needs to go. Assuming we have to tear down, how big of facility can we put there? That would make the most sense to me unless you have another parcel of property somewhere and I’m not too interested in buying another parcel since we already have one. I like to know what kind of cost we’re talking about with these architect and space planners so we can make a decision relative to the long-term use of the land that we own or we may have to buy.

Rob Horne, Director Public Works - I understand and that’s really why staff is coming to you today because we did not want to go through the process if the Council is against it altogether.

Mayor Gallo - With that, I can go ahead and asked the first question to Council, whether or not staff pursue the assistance of the design professional and bring them forward for proposal to the City Council? Can I see a quick show of hands for those in favor? Opposed? It’s unanimous, 6 in favor and 0 opposed.

The second question, is the City Council agreeable, but this time, to the discussion related to keeping fire station 16 as proposed, until a long-term solution can be identified to address the required space needs in the use of the existing Public Works building on Central Road? Show of hands that we can go ahead and utilize this space for a temporary term? Those in favor? Opposed? 4 in favor and 2 opposed.

Don Wenzel, Facilities Superintendent - One thing I want to point out on station 16, the cell tower that's on that building, we have several leases that generate revenue, if we sell the site we lose that revenue.

Mayor Gallo - Provide those numbers when you evaluate the situation.

Barry Krumstok, City Manager - We are doing an investigation on the property because in 1978-79 the school district in the City had conversations, if you read one of the documents we were supposed to maintain their property along with our property and there’s another document that Cook County does not have. So there’s some additional information that we’re getting to make sure the property is clear and clean.

Mayor Gallo - So let’s remove the gray on that before we bring it forth. We do have a count on that second question, it was 4 in favor and 2 opposed.

8) City Property

Barry Krumstok, City Manager - Prior City Councils have had discussions on City Property in the past. This will be the first time that Fire Station# 15 is part of that discussion. Tonight’s discussion only deals with three locations.

2301 Algonquin Road

The property, which the City owns, is basically rectangular-shaped, level interior site that has approximately 81.21 feet frontage on the south side of Algonquin Road (60 feet original and 21.2 feet from a 2008 purchase) and a depth of approximately 300 feet. [So approximately 24,000 sf.]. The majority of the property is undeveloped land with a portion consisting of asphalt pavement (portion of the parking lot that the closed bank utilized). The current zoning for the property is C-2, General Commercial Service District.

3111 Meadow Drive – Fire Station# 15 (Fogarty Station)

This property will soon be abandoned by the Fire Department once the new Fire Station is completed on Algonquin Road.

Southeast corner of Kirchoff Road @ Owl Drive (aka Wellington Lot 4 or on the site plans Wellington Lot#2)

This property is approximately 43,000 sf. or approximately one acre. The Wellington Riverwalk Development is located at the southeast corner of Kirchoff and Owl. The original development was to include the construction of a total of four buildings. Designated Lot 2 (that Staff refers to as Lot 4) was to be developed with a three-story retail/residential building over an underground parking garage similar to the existing building along Kirchoff Road. The building was to include 12,800 sq. ft. of commercial on the first floor with a total of thirty dwelling units on the second and third floors. The development was also to include senior housing subsidized in part by the City in the four-story residential building to the rear of the lot. Neither the last building nor the senior subsidized housing ever materialized. The last lot is still owned by the City. *However, any proceeds must be deposited into the TIF Fund (making it positive quicker). The Funds derived by a sale cannot be utilized for any other operations than in the TIF District.*

Mayor Gallo - We have three pieces of property four questions.

Alderman Cannon – What I would like to see is for us to develop an RFP for these three pieces of property plus station 16 and put it out to local appraisers that would have to be within 15 or 20 miles of here. I don't want someone from the south side coming up and making appraisals.

Mayor Gallo - A local broker?

Alderman Cannon – Yes. It doesn't have to be right here from Rolling Meadows but I don't want a downtown person. Someone who knows this area very well because we don't to any ambiguity, I just want to make sure they know what's going on in the market. Even if we decide to keep station 16 in-house I think we would like to know a potential value.

Mayor Gallo - To reiterate the questions. Does the City Council want to see the appraisals before deciding on action regarding those three properties? Would you prefer that conversation occur with that local broker

Alderman Cannon - I think we can get the appraisals done in a timely basis. Yes, after we get the appraisals and we can consider brokers.

Mayor Gallo - We may have the opportunity to consolidate these four questions into a single question to combine the best of all. So that would be giving staff the authority to have appraisals conducted by a local broker and then provide the Council with the feedback on the local property value? The fourth question, does the City Council still want any of the properties to say stay "green space?" I guess that can be determined depending on the valuation of those parcels. What's the determining factor for green space vs selling it?

Alderman O'Brien – I have a ballpark idea what a residential appraisal cost do we have a ballpark figure of what a commercial appraisal cost?

Barry Krumstok, City Manager – Typically, \$10,000 depending how quickly we ask for it. If we ask for to be turned around in two weeks it could be about \$16,000 per lot. It depends on who we have do it and the timetable

Alderman D' Astice – Can we do an RFP to brokers for three properties and that we want it done within 60 days? Submit the cost of what you're going to charge and let them bid for. I agree with Mr. Cannon that we should sell all of them however if we're not going to get any money out of the piece across the street if it's all going to go straight to the TIF we might want to reconsider that one.

Mayor Gallo - One of my suggestions going forward is to wait and see what the valuation of each property comes back at because we don't know what kind of EPA is going to be required for Kirchoff and Meadows fire station and that can get very costly to the City if we have to do any reparation.

We should pursue one question at this time omitting the fourth point about green space and just go out to bid for a local broker to get appraisals on the three properties in question. Also, including station 16 which is not on the documentation. Can I see a quick show of hands for staff to pursue that? It's unanimous, 6 in favor and 0 opposed.

Is there a motion to adjourn? Alderman Cannon has made the motion and it has been seconded by Alderman Budmats. All in favor say aye; those opposed say nay. The ayes have it and the meeting is adjourned.

There being no further business, by unanimous consent the Committee-of-the Whole meeting was adjourned at 10:12 p.m.

Respectfully submitted: Judy Brose, Deputy City Clerk

July 16, 2019 Committee-of-the-Whole Minutes Approved by Council on August 13, 2019.

Judy Brose, Deputy City Clerk