



Village of Downers Grove Meeting Minutes Downers Grove Village Council

Civic Center
801 Burlington
Downers Grove, IL 60515
630-434-5500

Tuesday, January 14, 2014

7:00 pm

Council Chambers

1. Call to Order

Mayor Martin Tully called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

Mayor Tully led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Bob Barnett, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt, Commissioner Greg Hosé and Mayor Martin Tully
Absent: Commissioner David S. Olsen
Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Village Clerk April Holden

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions of a general matter. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

The presiding officer will ask, at the appropriate time, if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. Remarks should be limited to five minutes, and asked that individuals refrain from making repetitive statements.

Mayor Tully said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

3. Minutes of Council Meetings

Council Meeting - January 7, 2014

Mayor Tully asked for a Motion to approve the minutes as submitted.

Commissioner Neustadt moved to approve the minutes as presented. Commissioner Durkin seconded the motion.

The Mayor declared the Motion carried by voice vote.

4. Minutes of Council Meetings

Maria Ivarra Lorence, 5712 Hillcrest Road, spoke regarding the fowl ordinance. She said she prefers Option 3. She has shared chicken pets with another person. It was a wonderful experience. It brought richness to her son and the neighbor's children. The neighbors gave her eggs and it built a sense of community. She said she understands with one option, you would have to ask permission of your neighbors. She said you do not have to do that with dogs. She thinks it is reasonable to have regulations, but she does not agree with asking permission of the neighbors.

The Mayor said Council will consider this item in the Committee Room later tonight.

Frank Falesch, 820 Prairie, spoke regarding overuse of salt. We had many days that were too cold for salt and he sees salt residue on the streets. He suggested reviewing the use of salt. He asked where he can find the policy regarding use of salt. He feels it should only be used at major intersections.

The Mayor said the snow removal plan is on the Village's website. He commented that he hears from people expressing the opposite view as well.

Jordan Macarus, 300 Burlington Avenue, said salt is a resource management issue. Ideally, the economy and environment are linked. He then said he gave proposals to Council members at the train station to consider converting Village properties, like the parkways, from high maintenance, low productivity to low maintenance, high productivity. Downers Grove seems to be better than many towns in terms of ecological consciousness, recycling, etc. which makes it a good place to try an experiment in 21st century economics. Mr. Macarus said he brought his resume to the Village as a volunteer. He asked for a one-hour meeting with Council to introduce cooperative problem solving experiments. We could save a lot of money without displacing workers. Most advanced problem solving is in cooperative methods. Leadership has to come from the community and he would like to help regenerate the economy. He has worked on this for years and would like to contribute to the community.

Mayor Tully thanked Mr. Macarus for coming and expressed his appreciation for his willingness to give of his time. The Mayor suggested Mr. Macarus attend a Coffee With The Council as an opportunity to speak with multiple Council members. He also suggested Mr. Macarus apply for a position for a potential spot on a Village Board or Commission. The Mayor said staff will follow-up with Mr. Macarus.

5. Council Member Reports

Commissioner Durkin referenced the Sunday, 1/12/14, edition of the Chicago Tribune which had an article about exempting some religious organizations in the City of Chicago from water fees. The City is looking to restore free water to these organizations. He asked as to the impact on our water rates. He also asked the amount the City is expected to waive.

Mayor Tully suggested that staff contact the DuPage Water Commission and the DuPage Mayors and Managers Conference.

Commissioner Neustadt spoke of the first annual "Pizza Wars" on Thursday, January 16, 2014, at South High School at 5:30 p.m. About a dozen local pizzerias will participate. More information is available at www.csd99.org and www.d99ef.org.

The Mayor said roughly half of the pizzerias are located in Downers Grove and the other half are in Woodridge. The Mayor of Woodridge, Mayor Cunningham, and Mayor Tully are co-sponsoring the beverage station at the event.

6. Public Hearings**7. Consent Agenda**

BIL 00-05452 A. List of Bills Payable: No. 6094, January 14, 2014

Sponsors: Accounting

A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

MOT 00-05451 B. Motion: Authorize \$20,000 to the International Association of Fire Fighters (IAFF) for a Peer Fitness Trainer Class

Sponsors: Fire Department

A motion was made to Authorize this file on the Consent Agenda.

Indexes: Fire Department

RES 00-05447 C. Resolution: Support Participation in the Safe Routes to School Program

Sponsors: Public Works

Summary of Item: A RESOLUTION IN SUPPORT OF PARTICIPATION IN THE SAFE ROUTES TO SCHOOL PROGRAM WITHIN THE VILLAGE OF DOWNERS GROVE

RESOLUTION 2014-02

A motion was made to Pass this file on the Consent Agenda.

Indexes: Illinois Department of Transportation

MOT 00-05454 D. Motion: Authorize a One-Year Agreement with Data Ticket, Inc., Newport Beach, CA, for Administration of Parking Citations

Sponsors: Police Department

A motion was made to Authorize this file on the Consent Agenda.

Indexes: Police Department

RES 00-05455 E. Resolution: Express Intent to Continue Participation in the Suburban Tree Consortium and to Authorize Certain Purchases for FY 2014

Sponsors: Public Works

Summary of Item: A RESOLUTION EXPRESSING INTENT TO CONTINUE PARTICIPATION IN THE SUBURBAN TREE CONSORTIUM AND TO AUTHORIZE CERTAIN PURCHASES FOR FY 2014

RESOLUTION 2014-03

A motion was made to Pass this file on the Consent Agenda.

Indexes: Tree Consortium

Passed The Consent Agenda

A motion was made by Commissioner Neustadt, seconded by Commissioner Durkin, that the consent agenda be passed. The motion carried by the following vote:

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner José and Mayor Tully

8. Active Agenda

RES 00-05456 A. Resolution: Authorize an Amended Employment Agreement with Enza I. Petrarca

Sponsors: Manager's Office

Summary of Item: This authorizes an amended employment agreement for Village Attorney Enza Petrarca.

A RESOLUTION AUTHORIZING EXECUTION OF AN EMPLOYMENT AGREEMENT

RESOLUTION 2014-04

Commissioner Neustadt commented for both this item and Item B. Enza and Dave are the leaders of the Village organization, and he thinks that this organization benefits from their availability 24/7. They are at-will employees of the Council. He thanked his colleagues for achieving the evaluation in a timely manner. He said that we demand and expect exceptional performance from the staff every day, but we have been compensating them at midrange. We are attracting and retaining good employees.

Commissioner José said he shares Commissioner Neustadt's sentiments for two great employees. He agreed that the Village demands a lot of them, and they deliver. He has been impressed on how well run the Village is on a day-to-day basis. He thinks they have had great results and the adjustments are well deserved.

Mayor Tully said that Commissioner Olsen is out of town. Commissioner Olsen submitted a statement and the Mayor read that statement into the record: "I am pleased with the overall performance of the Village of Downers Grove organization during 2013. Accordingly, I support the amended employment agreements with our leadership employees and I look forward to working with them to address the challenges and opportunities our Village faces in 2014."

Mayor Tully echoed the comments of his colleagues.

A motion was made by Commissioner Neustadt, seconded by Commissioner Durkin, to Adopt this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner José and Mayor Tully

Indexes: Village Attorney

RES 00-05457 B. Resolution: Authorize an Amended Employment Agreement with David B. Fieldman

Sponsors: Village Attorney

Summary of Item: This authorizes an amended employment agreement for Village Manager David Fieldman

A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDED EMPLOYMENT AGREEMENT

RESOLUTION 2014-05

Commissioner Barnett said that he will vote in the negative on this resolution, specifying that it is not a commentary on David Fieldman's performance, but on the structure of the agreement. This is a change in the amount and philosophy and he takes exception to that change.

A motion was made by Commissioner Neustadt, seconded by Commissioner Durkin, to Adopt this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner José and Mayor Tully
Nay: Commissioner Barnett

Indexes: Village Manager

9. First Reading

ORD 00-05453 A. Ordinance: Amend the Zoning Ordinance, Chapter 28, of the Downers Grove Municipal Code

Tom Dabareiner, Director, Community Development, said an ordinance has been prepared updating the current Zoning Ordinance, Chapter 28 of the Downers Grove Municipal Code. The ordinance was presented on December 17, 2013. The focus tonight will be on administration and procedures.

The Village selected Duncan Associates in response to an RFP for a consultant to help prepare an updated zoning ordinance. The Plan Commission held public hearings on the revised ordinance in June through November 2013. The goals for the update are to have a simple, attractive, easy-to-use document, incorporate the concepts of the Comprehensive Plan, consider the Village needs, and include updates and best practices as well as provide for consistency. There are more graphics and tables, there are links to other pages, and there is a table of contents.

Mr. Dabareiner said tonight's presentation will focus on four Articles: Introductory Provisions; Signs; Review and Approval Procedures; and Administration and Enforcement. The presentation is based on a Concordance of Notable Changes, which highlights the prominent changes from the current Zoning Ordinance, along with the source for the requested amendments, and the rationale for change.

Regarding changes to Article 1 - Introductory Provisions, Mr. Dabareiner said the zoning map may be published digitally. Provisions are included to clarify the transition from the old Zoning Ordinance to the new one.

Commissioner Rheintgen asked what will happen if someone is in violation of the current ordinance but would not be under the new ordinance.

Village Manager Dave Fieldman said staff would drop the case if necessary. In general, staff will refrain from issuing violations until they receive Council direction.

Changes to Article 9 - Signs. This involves replacing "Code Enforcement Department" with "Community Development Department."

Mr. Dabareiner then discussed Article 12 - Review and Approval Procedures. Changes to this section include formalizing notice by way of a neighbor communications notice tool. This would be mandated upon owner-initiated rezoning, new telecommunications towers, and other cases as required by the Director. Mr. Dabareiner then discussed increasing the notice radius. The rights-of-way will be excluded from the notice radius. This increases the notice radius to include more property owners in the area affected by the petition. It approximately doubles the number of property owners contacted.

Commissioner Neustadt asked if this accomplishes what Commissioner José spoke about.

Commissioner José agreed, and asked whether an inside and outside boundary was considered. He also asked how they would determine those boundaries.

Mr. Dabareiner said they have not considered an inside/outside boundary. They are attempting to provide flexibility to properties in the impact area. He expects they will have to ask the developer to expand the communication area and give the Village an affidavit of having done so.

Commissioner Rheintgen asked if the Village will give the developer a list of people to notify. Mr. Dabareiner confirmed that the Village would provide the list.

Next, Mr. Dabareiner said all text amendments must be Village initiated. A private entity would seek support or interest for a text amendment through the Council.

Mayor Tully said from his perspective this makes sense, is consistent with other communities, doesn't foreclose the opportunity for a text amendment, but possibly relieves some administrative costs and burdens.

Commissioner Barnett said he thinks it's fine. They would, however, have to work through how this will function. This is done at staff discretion now. It's good to highlight the burden, but he wouldn't want a petitioner to have to find a Council member that could get the support of three other Council members. Mr. Dabareiner said staff would be looking for direction, similar to the "head nod" approach to new business. Staff does not want to be in a position where they are saying "no" to something that may be of interest, or "yes" to something that has no interest. Commissioner Barnett agreed that avoiding those two things is worth the experiment.

Mr. Dabareiner said administrative adjustments are proposed to expedite minor relief, or variations, for developments. Administrative adjustments recognize that the community is built out. It encourages re-investment in existing buildings by reducing regulatory barriers, would only take two weeks to process, is consistent with other communities' zoning ordinances, and would be cheaper for the petitioner. This would expedite the process for many people.

The Mayor noted that it would also encourage compliance with the Village's codes and ordinances.

Commissioner José agreed this would expedite the process, and would eliminate clogging up the Plan Commission's docket. He asked whether the administrative changes on setbacks would make sense to apply to the Sign Ordinance.

Mr. Fieldman responded that the Sign Ordinance compliance deadline is May of this year. Staff is categorizing the type of nonconformity to determine patterns, particularly those based on diminimus setback requirements.

Further changes are that variations would only go through the Zoning Board of Appeals (ZBA). Additionally, the proposed ordinance broadens the list of eligible variations, rather than limiting them to a two-page list.

Mr. Dabareiner said a variation is a grant of relief from strict compliance with the zoning ordinance based on court-tested standards. Granting of variations without consistent application of the standards could result in weakening of the zoning ordinance, or if it is repeatedly granted, it has the effect of re-writing the ordinance. Reviewing some of the changes requested by staff, they see that some of those came from tracking frequently granted zoning variations. In Downers Grove the Zoning Board of Appeals is responsible for reviewing requested variations. The Plan Commission may also grant variations as a part of their development review process. They look at it on a proposal basis, which is a slightly different approach. He said that they think applicants should be able to challenge more aspects of the

Zoning Ordinance. They are concerned with consistent application of the court-tested standards, and the draft ordinance proposes to broaden the number of authorized variations, and proposes that all variation requests proceed through the Zoning Board of Appeals as the authorized Board to apply those standards consistently.

Mayor Tully said that also seems to make good common sense. Variations limited to a two-page list doesn't make sense. There has to be equal and consistent application to what does make sense.

Mr. Fieldman said this is an issue of customer service and efficiency. A zoning ordinance that allows more flexibility could result in fewer variations.

Commissioner Rheintgen said that they are also talking about decreased costs to the petitioner.

Mr. Dabareiner then discussed Article 13 - Administration and Enforcement. This includes violations, penalties and enforcement. Currently the language is at the beginning of the Zoning Ordinance and specifies that violation of provisions can result in fines or court action. The new language is clearer for staff and applicants. There is a list of nine ways to violate the ordinance, which is helpful to Code Enforcement officers. He reiterated that it is a clarification of how they handle things today.

Mr. Dabareiner said next week he will present information on the districts and uses.

Mayor Tully thanked Mr. Dabareiner for his presentation, which was easily understandable and well conveyed.

Mr. Macarus asked as to the long-term vision for the Village. Mayor Tully said that would be found in the Village's Comprehensive Plan, which is available on the Village's website.

Mayor Tully said that Agenda Item 9-B would be covered in the Committee Room; however, Agenda Items 10-13 will be covered before adjourning to the Committee Room.

Indexes: Zoning Ordinance

ORD 00-05442

B. Ordinance: Amend Chapter 5 of the Municipal Code regarding Animals and Fowl (Discussion to be held in the Committee Room)

Sponsors: Manager's Office

Mayor Tully introduced this item. He said this issue came up over a year ago and there has been an extensive amount of input and research on this matter. At the January 22, 2013, meeting, no changes were made to the ordinance, but there was an expressed intention at the end of the meeting of the desire to look for grounds for compromise. At this time Council is considering whether there should be changes to the rules and regulations of the fowl ordinance and whether there is common ground so direction can be given to staff to craft an ordinance. No action will be taken tonight. The Mayor said the format is very informal. Public comments will be taken after Council discussion.

He referred to the options under consideration that are outlined on the white board. These are concepts that could be used to form the basis for an ordinance. This subject was identified during long range planning as a medium priority item to be addressed.

The Mayor read Commissioner Olsen's comments into the record: "I regret that I cannot be present at tonight's continued discussion of revisions to the fowl ordinance. For the benefit of my Council colleagues, Village staff and fellow residents, my initial preference in this matter is

for Option 1 as presented in the staff report. However, this initial preference does not benefit from the comments, questions and thoughts which will be shared tonight and may evolve based on additional information or policy options presented tonight or in the future."

Mayor Tully reminded everyone that Option 1 proposes no major changes.

Commissioner Rheintgen said this is a nationwide issue. We are reviewing it because we said we would and because it is important to people that want to have chickens on their property. She would like an ordinance crafted that addresses fears and also provides for those who are in favor of chickens. She favors Option 3 as it creates dialogue between you and your neighbor. People are afraid of how coops would look and a building permit would address that as well as who has coops. She recommends this be done on a trial basis and that it be reviewed in six months. We pride ourselves on being a green community and this is a chance to embrace it.

Mayor Tully said there are legitimate reasons people may want to keep chickens. He knows more tonight than he did a year ago about this issue. The perceived impact does not have the validity it once did with him. The existing ordinance has been in place for decades without impact. The concerns about impact are greatly diminished. There is a high barrier to entry in terms of investment of time and money. It is not realistic to think that the numbers of chicken owners will go from 500 to 5,000. The Mayor said he prefers Option 3. He does not want to add a burden on the Community Development staff. He noted that Option 3 provides for notification. He does not prefer the neighbor veto provision of Option 2. This creates a burden on staff and is not required in other issues in the Village such as building permits, etc. He favors Option 3. He asked about limiting the time period when this will be reviewed or the number of property owners with chickens.

Commissioner José said he found 30 towns across the nation point to the neighbor consent model. If the barriers to entry are what the Mayor says, then the administrative burden on staff will be small. He suggested people sign a written consent. He would prefer Option 2 if we move away from Option 1. He feels the balance is with Option 2.

Commissioner Neustadt said he has been involved in neighbor disputes. They add to the burden of staff. He feels private property rights are very important. He supports Option 3. He noted that the Village Council can change any ordinance at any time. He is interested in trying this. It is important to a number of people and should be addressed. He is in favor of Option 3. Having chickens is a time-consuming and labor intensive endeavor. He also suggested reviewing the ordinance in a certain time period.

Commissioner Barnett said he was not convinced at the last meeting that allowing more chickens would cause a major health risk. He said that almost any argument can be made from either side, but you won't solve obnoxious behavior. We are trying to move forward with those that want it and address those that fear it. It is trying to manage expectations. Most people don't expect to move next to chickens but it does not mean that there will be negative consequences. He feels there should be neighbor consent. It is a matter of how to start down this road while also providing assurances. He prefers Option 2. He thinks the number of participants is limited and the owners will talk to their neighbors. He is inclined to support Option 2 and asked that staff talk to other communities that allow this.

Commissioner Durkin said he has rethought this as well and would like to support those who are in favor of this. He supports Option 2 as it address all his concerns. If a neighbor objects, it is a solid objection. He has found that raising chickens is a neighborhood event and is often not just one house. In terms of the rights of property owners, Option 2 is the right way to go.

Commissioner Barnett said Option 3 seems like a problem because it does not assure that staff will not be burdened. Option 2 requires a public statement.

Commissioner Neustadt said we are talking about small flocks; some people move to Downers Grove because they want chickens and they are already allowed.

Commissioner José noted that under the current ordinance the private property right has been taken away from people whose lot is not big enough. The Council could ban chickens altogether as many other communities have done. He doesn't think any of the options is necessarily an infringement on private property rights.

Mayor Tully said six Council members want to go forward with changes and making this available to our residents. It is a question of degrees. Approval is the ultimate insurance policy because if one's neighbors say okay, no one can criticize.

Village Manager Dave Fieldman spoke of his experience with administering the ordinance in Palatine where consent was required. He said it was an administrative burden for staff. It shifted the staff's job from providing information to being mediators. The applicant feels that when they can convince one more person they will then be able to do this, and that changes the dynamic. The applicant feels they are one neighbor consent away which puts the staff in a completely different position. He said both the applicant and neighbor felt they were in an unfair position. It was also a situation where unelected officials are making decisions. There is an administrative burden in Option 2. Palatine moved away from the consent requirement. With neighbor notification, there is still frustration, but there are standards.

The Mayor said he understand the neighbor consent perspective.

Commissioner Barnett asked about licensing.

Mr. Fieldman said licensing usually goes with a privilege. Licenses don't comport well with land use law.

Commissioner Barnett said licensing is a long-term check on the seriousness of the endeavor.

In response to Commissioner Barnett, Mr. Fieldman said tagging is a different kind of administrative burden; we could build a model around that.

Commissioner Rheintgen said the big difference between Option 2 and Option 3 is consent vs. notification.

Mayor Tully reiterated that six Council members want to find a way to make this available to our residents. The direction is to make this available to more people.

Commissioner Rheintgen asked that staff research the impact of this on those towns that allow chickens.

Mayor Tully asked about the incremental burden.

Mr. Fieldman said we can expect 30 or less households to apply based on research.

Commissioner Durkin suggested that written comments from the public be included in the record.

Wayne Enerson, 4805 Cross, said he does not see this as a green initiative. He asked what

happened with the Option 0 - no chickens in Downers Grove. He asked about the language of chickens vs. fowl. Fowl includes chickens, ducks, geese and turkeys. Option 2 would be burdensome on the Village and the applicant. He suggested it would be a burden on the neighbors. He asked the Mayor if he has chickens.

Mayor Tully replied that he does have chickens. He gave a resident permission to have chickens on his property. Whether this ordinance is changed or not will not change his situation as his property meets the setback requirements for chickens.

Mr. Enerson said there is a big difference between 50' and 20'. He said people do not move into the Village because of chickens.

Bernadette Calvino, 605 Gierz Street, said she can only eat farm fresh eggs due to allergies. She has heard more noise from kids than chickens. She also noted that she learned from chickens. They were wonderful. She has family members that have moved to a community due to their ability to have chickens in a particular town.

Don Jankowski, 1312 Blanchard, said he has learned that people are very dedicated to chickens. He feels there are many people breaking the law because it is a bad law. He objects to Option 1 and he objects to Option 2 due to the neighbor consent provision. He noted that the setback requirements were instituted in 1987.

Shanon Tully said she disagrees with the first speaker. She said problems could be addressed under the nuisance ordinance.

Mr. Fieldman said we will have to have measurable performance standards.

Frank Falesch asked if roosters will be allowed.

Mr. Fieldman said staff is recommending a rooster ban.

Jo Potts, 216 Lincoln, asked if the only fowl allowed under the ordinance is chickens.

Mr. Fieldman said the ordinance has a broad definition of fowl.

Village Attorney Enza Petrarca read the definition of fowl in the current ordinance.

Ms. Potts suggested clarifying "farm animals."

Ms. Petrarca said a new definition of farm animals is in the proposed ordinance.

Ms. Potts asked if the ordinance allows for four dogs and four cats, or a total of four dogs and cats.

Ms. Petrarca said the ordinance clarifies that it is four total.

Debbie Phillips, 5708 Hillcrest, spoke regarding consent and notification. The underlying concern is control of the environment and fear. People want to have control over their property.

A resident said he raised chickens. At the time there were no more than a dozen chicken owners. He said benefits included family participation, wholesome food, educating his children, providing a real life experience, and advantageous use of one's property.

Laura Severt, 418 Grant, asked about reducing setback requirements.

Mr. Fieldman said staff is looking for general policy direction.

Ms. Severt spoke about neighbor consent. They have had three neighbors in 13 years. If a new neighbor doesn't like chickens, they would lose their investment. This would also happen with regard to the trial period.

Jordan Macarus, 300 Burlington, spoke of disclosure laws. A new neighbor would have to know that the house next door has chickens.

The Mayor said this is a detail that would have to be addressed.

Mike Harrison, 110 7th Street, said he would support allowing no roosters and limiting the number of chickens to eight. If there are a limited number of licenses' he might want to get one now even if he did not currently have chickens.

William Waldack said he disagrees with the Mayor's opening remarks. No one has addressed the risk of having chickens. The Centers for Disease Control (CDC) warns about risks of in-town flocks specifically to senior citizens, children under five, pregnant women and people going through chemotherapy. There is a risk. Chickens can put you and your health in danger. They can also affect your property values.

The Mayor noted that the risk is incremental. It has always been there. One would need to look at the risk of having another 20 chickens in the Village.

Mr. Waldack said if you expand the rules, you expand the risk. This should be reviewed in terms of adversely affecting the health, safety and welfare of the community. You are affecting your neighbors. It puts people in danger and people with health concerns may not have any choice. He suggested that you can do what you want with your property, but don't harm me. Further, predators to chickens will be in the neighbor's property. Hatcheries are regulated and inspected. He asked who will do local inspections. Mr. Waldack said he is concerned about other people who are concerned about their health.

Commissioner Durkin asked about handling chicken waste.

Mr. Fieldman said staff has addressed this and he will provide that information.

Dawn Konters, 5709 Hillcrest, said she supports Option 3 and a pilot study. This would allow people to see if their fears materialize.

LeAnn Lolli, 4117 Highland, said she has owned chickens and no one in her family has suffered consequences. The CDC has a list of dos and don'ts and explains how people get infected. We are not pioneers in this venture. She has not heard of salmonella outbreaks. She referenced a DePaul University study of communities that have had chickens which found no complaints. She said that to require neighbor consent sets a precedent. It has been legal to have roosters. We have had a low number of complaints in the Village. Chickens have become pets. She said we have an incredible amount of wildlife in Downers Grove and you will not get rid of them. In response to Commissioner Durkin, Ms. Lolli said her neighbors did not have a problem with her chickens, although she did have an anonymous complaint.

Commissioner José said public health risks are legitimate and he wants to avoid minimizing them. The risk of salmonella is there if proper precautions are not taken. That is one of the reasons he is supporting Option 2.

Tom Brown, 5617 Dunham, said he feels this should be given a chance.

Mr. Enerson said he hopes the setback requirements will be established and that ample notice will be given. He is in favor of no chickens whatsoever.

George Calvino, 605 Gierz, said he has had chicks in his house. He considers chickens farm animals. He has a problem with neighbor consent in terms of neighbors having rights over your property. He would want to be notified if his neighbors has chickens. He said he doesn't see the need to reduce the setback requirements.

A resident asked if consent would be from the owner or the person living on the property. She also asked about vacant property.

The Mayor said these are points that need to be addressed.

Mr. Waldack said coyotes take advantage of opportunities. Chickens would be protected, but other animals may not be. He then referenced drainage issues with chickens as discussed by Dr. Schnell. With respect to enforcement, he said the existing ordinance is the easiest to enforce. Enforcement will be complicated with a change.

Ms. Lolli spoke regarding runoff. Ten chickens lay less fecal matter than a 40 pound dog.

Kathy Crosby, 5713 Hillcrest, said she lived next door to a chicken owner. It was a positive experience and she found no health risks. It was a small flock. She does not think neighbor consent is fair.

Ms. Tully said that probably hundreds of people put out wild bird seed that attract mice and other rodents.

Julie Harrison, 110 7th Street, said she hopes the Council will support Option 3.

The Mayor thanked everyone for their comments and patience. We have direction.

Attorney Petrarca said staff will not be prepared to present an ordinance next week.

Written comments submitted regarding this matter:

First Name: Daria

Last Name: Skrzypczynski

Email Send To: 8800

Description: I would like to ask you to lift the restrictions on residents owning chickens. This is such an environmentally smart thing for families to do.

First Name: Patricia

Last Name: Harte

Email :

Send To : 8800

Description: I understand that the fowl ordinance will be up for discussion again tonight, Jan 14th.

I wish to express my support for expanding this ordinance so that it is more accessible to the average property owner.

I believe every Downers Grove home owner should have the right to keep a small flock of chickens. The controversy is essentially about having the right to make decisions about how one wants to use one's own private property, and how much control the government has in these decisions. I believe the rights and well-being of all citizens of Downers Grove can be protected by drawing up fair and reasonable guidelines agreed upon by all involved parties. Chicago and many neighboring suburbs have permitted this practice for some time, presenting proof of its workability.

Many citizens would like to be more self-sufficient, and to provide their families with safe, healthy food. I believe elected government representatives have a mandate to support their constituents' wishes for security and autonomy in this regard.

*First Name: Renee
Last Name: Wilhelm
Email :
Send To : 8800*

*Description: RE: Foul Ordinance (I was not able to access the link to the feedback site)
Dear Council Members.*

I would like to express my support for an update to the fowl ordinance that allows the keeping/housing of chickens on DG residential that reduces the prior ordinance's restrictions. There are many lots in DG that do not qualify and should. These restrictions should be minimized in a manner that allows a larger percentage of lot sizes to have chickens/hens in a manner that is humane to the chickens and considerate of neighbors.

Noise should not be a consideration as dogs are allowed pets that can be a nuisance greater than that of chickens. There is no downside to this other than complaints of DG citizens that lack understanding/education on the matter. This should not effect a decision to approve as it is simply a lack of education. With so many residents moving to organics- vegetable/fruit delivery, dairy, etc. A revised and more accepting fowl ordinance surely supports the direction toward more natural food sources.

*I myself would have a hard time thinking of a chicken as a pet - but then I don't like reptile type pets either and would not condemn anyone for their preferences. Who am I to judge!
Thankyou!
Ranee Wilhelm
4713 Lee Avenue*

*First Name: Cynthia
Last Name: Adams
Email Send To :8800*

Description: Dear Mayor, Council, and Commissioners,

I have wanted the choice and ability to raise backyard chickens for some time here in DG. Chickens would be a great compliment to my garden and sustainable lifestyle. I and my family believe in eating organic pastured and free range whenever possible. I consciously make healthy food and nutrition choices believing that this is my health insurance. I want control of my food. I want to eat as healthy as I can. This is another step in right direction. Healthy happy chickens equals healthy eggs. Dr. Joseph Marcola just wrote an extensive article and interview with Joel Salatin. Dr. Marcola states that pastured eggs have 2/3 more Vitamin A, 3x's more Vitamin E, 2x's more omega-3 fatty acids, and 7x's more beta carotene! Neurosurgeon Dr. Jack Kruse stated in a recent Bulletproof Executive podcast that pastured eggs are the 2nd best way to replenish iodine which is necessary for brain and cell health (1st was raw oysters but they're hard to get here in the midwest). For me and my family backyard chickens are a health ANSWER I would like the freedom/ability to choose to raise backyard chickens. Thank you for your consideration In this matter.

Sincerely,
Cynthia Adams

Dear Mayor Tully and Downers Grove Commissioners,

I am very distressed to learn that the Downers Grove City Council might force my neighbors, the Lolli family residing at 4117 Highland Avenue, to give up their pet chickens. In that such a decision appears to fly in the face of common sense and logic, I certainly hope that I am mistaken.

I live next door to the Lolli family, at 4113 Highland Avenue. Their small chicken coop actually abuts my detached garage. I subsequently walk right next to it every morning on the way to my car. If the handful of chickens that the Lolli family has would pose a problem to anyone, it would be me, and I think they're wonderful. Given that I can't hear the chickens, do not smell them, and rarely ever see them...I don't see why they would be a concern to anyone in our neighborhood.

At a time when "urban farming" is on the rise, it seems somewhat preposterous to begrudge the Lolli family (and other Downers Grove residents) a handful of small chickens...that all of the neighbors I've talked to agree bother absolutely no one. I feel that it's long overdue for the Village of Downers Grove to strike down or modify archaic ordinances such as the "fowl law," and replace them with new ordinances that reflect the beliefs and practices of the 21st century. I'm almost 70 years old and can honestly say that the Village's current ordinance banning the possession of a few chickens may have been "in tune" during my grandparents' time (when they kept a LOT of chickens in their backyards)...but it is definitely not apropos for today. I trust you to make a wise and just ORD 00-05442 decision that benefits the majority of Downers Grove residents...both now and into the future. Should you have any questions regarding this matter, please don't hesitate to contact me. Thank you!

*Jan Writer
4113 Highland Avenue*

I wanted to voice my opinion on the ordinance regarding chicken ownership. As the adjacent neighbor of someone who raised chickens in the past, I feel it is important that you vote for a more inclusive code for chicken ownership. She chose to raise hens as a fun, educational and cost effective way to feed her family. I believe that the ordinances should allow people to raise their chickens regardless of the size of their property. I feel that the setback rules are especially in need of revision. I can speak from personal experience that as a neighbor they pose no threat or added annoyance. Thank you.

*Virginia Nottelmann
4116 Lindley Street*

I would like the village to expand the ability to raise backyard chickens. It's time for DG to join other communities across the nation in a movement towards a sustainable lifestyle. Backyard chickens are totally do-able here in most DG yards. The ability and freedom to make this food choice is very important to me. I want nutritious organic pastured eggs on my family's plates. Once you have such an egg there is no going back to store bought eggs. I urge the council to give the freedom of choice to us.

*Cynthia Adams
P.O. Box 213*

I believe the issue of backyard chickens will be discussed in the upcoming meeting. I have experienced neighbors previously with laying hens and have never found them to be an issue. As long as people keep their hen houses clean and at a distance, they are perfectly acceptable. Totally in favor of backyard fowl being allowed in DG.

*Maureen Fear
324 Shady lane*

Indexes: Fowl Regulations

10. Mayor's Report

Materials to be Placed on File

11. Manager's Report**12. Attorney's Report**

Village Attorney Enza Petrarca said she was presenting one item to Council: An ordinance amending Chapter 5 animal and fowl regulations.

Future Active Agenda**13. Council Member New Business**

There was no new business. Mayor Tully called for a five-minute break, and asked everyone to reconvene to the Committee Room across the hall for the discussion on the Fowl Ordinance.

14. Adjournment

Mayor Tully asked for a Motion to adjourn.

Commissioner Neustadt moved to adjourn. Commissioner Durkin seconded the Motion.

Mayor Tully declared the motion carried by voice vote, and the meeting adjourned at 10:14 p.m.