

## **ADMINISTRATION COMMITTEE MEETING MINUTES**

**March 13, 2024 – 6:30 pm**

Chairperson Lisa Haderlein called the meeting to order at 6:30 pm. Committee members present: Chairperson Lisa Haderlein, Alderman Dan Carncross, Alderman Charlie Gorman and Alderman Matt Perkins. Also present were Mayor Mike Kelly, City Administrator Lou Leone, Finance Director Deb Bejot, Community Development Director Donovan Day, Code Enforcement Officer Anne Nutley, City Attorney Jennifer Gibson and members of the audience.

### **Public Comment**

Chairwoman Haderlein opened the floor to public comment for any item not on the agenda. There were none.

### **Contract – Maguire Iron Water Tower Asset Management Program**

City Administrator Leone reviewed his memo which outlines his investigation into concerns brought forth by David Headley at the February 27<sup>th</sup> City Council Meeting regarding the pending Maguire Iron Water Tower Maintenance Agreement. All concerns were discussed with Darin Clarke of Maguire Iron and satisfactorily addressed. Language has been incorporated into the contract assuring that prevailing wage act requirements will be followed. Mr. Clarke also agreed to let representatives from Painters District Council No. 30 monitor compliance of their work in Harvard. A motion was made by Alderman Carncross, seconded by Alderman Gorman to recommend to the City Council approval of the revised agreement with Maguire Iron as presented. All ayes. Motion carried.

### **FOP Equipment Donation**

A motion was made by Alderman Perkins, seconded by Alderman Carncross to donate the drone. Mayor Kelly clarified that the motion is to accept the donation. Alderman Perkins and Alderman Carncross amended their motion and second respectively to accept the donation from the FOP Lodge #134 of a Mavic 3 drone to the City of Harvard Police Department for use. City Administrator Leone added that the FOP is donating the drone with the understanding that it will primarily be used by the PD; when not in use by the PD, other departments like Economic Dev and Parks & Rec can also use it. The drone becomes City property and can be used throughout. All ayes. Motion carried.

### **Tree City USA**

#### **Tree City USA Application**

City Administrator Leone indicated the application process take a while. He spoke with representatives from the State of Illinois and the City is officially a Tree City USA by Illinois standards. The City's application has been sent to the Arbor Day Foundation for national recognition; they do not see any problems with our application but still have to go through all of the Illinois applications at one time. They anticipate that the City will receive their welcome to the Tree City USA packet by April 19<sup>th</sup> which includes flyers, flags and a plaque.

### **Tree Board**

Mayor Kelly's appointments to the Tree Board will be on the March 26<sup>th</sup> City Council Agenda.

### **Arbor Day Proclamation**

The Committee reviewed the draft Arbor Day Proclamation which will be corrected to reflect April 26<sup>th</sup> as Arbor Day, add the new City logo and "Michael P. Kelly"; the proclamation will be on the March 26<sup>th</sup> City Council Agenda.

Alderwoman Haderlein inquired about having a tree planting day, possibly at the Dog Park, to provide additional shade. City Administrator Leone spoke with Supt. Lamz about having a tree planting day this year, location TBD.

### **Discussion Video Gaming Fees**

Mayor Kelly indicated the City currently charges \$25 per gaming machine. The gaming fee can actually be up to \$250 per machine. His recommendation is to consider increasing the fee to \$250 per machine beginning in FY25/26 which is an opportunity for additional revenue. Establishments could be notified of the increase with this year's renewal. Alderman Perkins requested a list of what other communities charge. If each establishment has the maximum 6 machines, it would increase the fee from \$150 to \$1,500 per establishment; the annual revenue would increase from approximately \$3,000 to \$30,000. After discussion, a motion was made by Alderman Gorman, seconded by Alderman Carncross to recommend to the City Council to approve the \$250 to be effective in FY25/26 and to put a heads up with this year's mailing notifying license holders. All ayes. Motion carried.

## **Planning & Zoning Commission Recommendation/Backyard Chickens**

Chairman Gorman reviewed his discussion points as included in the agenda packet: conditional vs permitted use; standards; fees/fines and proposed additions and edits to the proposed chicken ordinance. Specific areas of discussion:

### Conditional vs Permitted Use

The Committee discussed whether backyard chickens should be a permitted use, conditional use or a temporary conditional use.

- Community Development Director Day made note of the process for a conditional use hearing before the Planning & Zoning Commission at a cost of \$900.
- Alderman Gorman indicated that conditional uses tend to be more for businesses as opposed to residential; currently in the UDO, there aren't any conditional uses in residential zones. What would the Planning & Zoning Commission come up with that would disqualify a person if they met all the requirements to obtain a permit? Alderman Gorman suggested that moving forward as a permitted use would make more sense with the rules put in place and enforced. Fees would also be lower.
- Attorney Gibson indicated you could limit the timeframe that a permit is issued for.
- Mayor Kelly suggested establishing a sunset clause which would force the City Council to address the issue before the sunset clause would take effect which would dictate it as a pilot program.
- Alderman Carncross said his research showed there are communities that have this program set up where there are considerable issues with enforcement and people not following the rules. Those communities aren't open about the fact that they have those issues, but there are documented meetings where people and HSA's have complained. He suggested a hard sunset clause or two-year pilot.
- Alderman Perkins expressed his concern with a two year sunset clause when families have already obtained a permit and have chickens; just because it sunsets, those residents who invested in backyard chickens will continue to do so. Alderwoman Haderlein noted if the program is working and there aren't any problems, then it doesn't sunset. City Administrator Leone said residents would know the risk up front that it is a pilot program and could be eliminated down the road. Alderman Carncross noted a sunset clause provides a failsafe that allows the City Council to review and address any issues and could encourage better behavior for the first couple of years.
- Donovan said an option to consider with a pilot program is to limit the quantity of permits issued. Alderman Carncross and Alderwoman Haderlein didn't think there needed to be a limit with the pilot.

The general consensus was to allow backyard chickens as a permitted use as a pilot with a sunset clause in two years.

Alderwoman Haderlein introduced Rehana Mohammed-Smith, Co-Founder of Georgia's Place Bird Sanctuary, located on 20612 Route 14, Harvard. Rehana then addressed the Committee. The sanctuary is a non-profit that rescues and provides permanent shelter for abused, neglected and dumped birds while promoting compassionate living for these birds. Her concerns are Midwest winters which can detrimentally harm chickens that are not properly sheltered with heat, educating chicken keepers on predator proofing, chicken illness/disease, instances where people accidentally get roosters, and the dumping of birds on their sanctuary. She recommended a letter from a veterinarian that sees and treats chickens as part of the permit process (there are none in Harvard or Woodstock, but she has contacts for vets near Algonquin, the Chicagoland area and in UW Madison, Wisconsin) and a half day of volunteering at their sanctuary to see what chicken keeping requires and get proper care tips. After completion of the half-day, she would provide a letter that they completed the requirement. Rehana will send City staff the list of vets.

- The Committee discussed whether to include a letter from a vet as part of the requirements. Alderman Gorman reviewed the proposed rules which include chicken health and provisions for roosters that could be expounded on to include additional recommendations if desired.

### Standards

- The Committee discussed where the standards will go in the City code. The consensus was to add the standards to Chapter 12, Dogs, Cats, and Other Animals with a reference in the UDO chart as a permitted use that cross references Chapter 12.
- Donovan suggested that storage of chicken waste/manure shall not be permitted within 15' from any property line and only in the rear yard. Rehana noted an option is an enclosed compost bin. An enclosed structure for manure/waste is part of the proposed additions.
- Donovan indicated that the Planning & Zoning Commission recommended 4' setbacks from the property line which is the standard setback for an accessory structure and 10' from any building.
- Alderman Gorman said he basically used Donovan's specs for chicken coops/runs as far as size although he made the run a little bigger. He also kept the number of chickens as noted in the original draft based on size.

### Screening/Fence

- Alderman Gorman thought what was meant by screening is around the coop and run not the whole yard. There was discussion that a screened fence makes sense; plants don't make a reliable structure. The requirement in the original draft is that you can't see it from any other lot.
- Donovan said the purpose of the screening was to shield it from view of the neighbors. The chickens would be contained in the chicken run with whatever material it's made of. The screening was implied to be outside of that. An option could be that the screening is a fabric/material that's on the chicken coop/run on three sides so neighbors can't see it, not necessarily a 6' fence, or not at all because everything is contained in the coop/run.
- Jessica Helmeid, 308 N. Jefferson St., agreed that it's acceptable to block from the view of the road, but said it seems a bit excessive to have screening on all sides if the chickens are already in a coop/run. It will make it harder to access every time they need to take care of their chickens.

After further discussion, the general consensus was to remove the screening and fencing requirement, but the coop/run can't be visible unexposed from any roadway adjacent to the property. If visible from the roadway, a privacy fence could be put up for the street view.

### Fees/Fines

The consensus was that a permit should be annual from the date the permit is issued. The initial application fee is \$300 with a yearly renewal/inspection fee of \$30. The City would issue and keep record of the bands. There would be no per chicken fee.

### Education

The Committee discussed the ½ day volunteer work at the sanctuary as part of the educational requirement:

- Dave Helmeid, 308 N. Jefferson St., said it would be quite a boondoggle to make everybody volunteer 4 hours of their time to get this expert opinion to allow them to move forward with chickens. He felt a lot of time was given today, a lot more time than other people have had to speak on a regular basis, to an expert that was brought in front the board. He also asked Alderman Carncross to address and share the cities/complaints he referred to in his research. City Administrator Leone requested that Mr. Helmeid be respectful to the Committee or he would be asked to leave.
- Rehana said it wouldn't be her opinion in any way or letter of recommendation, just a letter they had attended.
- Jessica Helmeid, 308 N. Jefferson St., said that having an educational option is beneficial but didn't think forcing people to volunteer their time go to someone's non-profit for the day is the best option. Classes are also offered at Tractor Supply, the library and other locations. They have been at this with statistics and facts for a really long time and have already gone over some of things that newer people haven't really had the chance to hear or learn.
- Alderwoman Haderlein recommended if education is required, to give people a choice, either the sanctuary as an alternative option or other class. Alderman Carncross concurred with having options. City Administrator Leone said the idea is to provide education; City staff can draft language to provide options for qualified education sources.
- Alderwoman Haderlein commented to Dave and Jessica that this an ordinance that applies not just to them but to every property in the City. Over the course of the months of discussion, folks have provided a lot of good input as well as folks who had concerns. The Committee is trying to balance all of that and make sure this is something that works for all of our residents and staff who need enforce it. She is perfectly comfortable taking whatever time is necessary to get that right and something that is going to be effective and proud of going forward.

### Denial, Revocation, Non-Renewal

- Alderman Carncross inquired if there is language in the City code that would prevent applicants from getting approval if they have outstanding fees or fines that are owed to the City. Attorney Gibson suggested narrowing it to outstanding property violations and not tailor it to a fine. Verbiage can be added to this section within what is legally allowed. Attorney Gibson suggested adding language to the ordinance for some kind of due process for review or appeal if someone is denied or revoked. Alderman Gorman noted the third bullet under permit requirements states "all amounts owed to the City....shall be paid in full, and all utility accounts shall be in good standing."
- Sara Berg, 508 Old Orchard, inquired about enforcement language for people who don't have permits. Director Day said the goal is always compliance and reviewed steps taken to get individuals to comply. Anne and Donovan reviewed enforcement for individuals who already have chickens; there is an expectation of privacy which makes it difficult if individuals have a fence that Anne can't see over. Mayor Kelly clarified that the ordinance under consideration does not address non-compliant people who currently have chickens.

There was no further discussion on the proposed additions and edits to the proposed chicken ordinance.

A motion was made by Alderman Carncross, seconded by Alderman Perkins to recommend the ordinance go before the City Council to be approved or denied with the additional language and edits as discussed. All ayes. Motion carried.

New Business

There was no new business to discuss.

At Jessica Helmeid's inquiry, Chairwoman Haderlein stated that the ordinance will come before the City Council at the March 26<sup>th</sup>, 2024, meeting.

A motion was made by Alderman Gorman, seconded by Alderman Carncross to adjourn the meeting. All ayes. Motion carried.

Meeting adjourned at 8:15 pm.

Submitted by:  
Chairwoman Lisa Haderlein