

**MINUTES OF A COMMITTEE OF THE WHOLE MEETING
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
May 2, 2017**

CALL TO ORDER

President Gail Johnson called the meeting to order at 6:00 p.m.

ROLL CALL

Physically Present: President Gail Johnson; Trustees Ryan Kauffman (attended at 6:06 p.m.), Pam Parr, Luis Perez, Judy Sollinger and Joe West.

Absent: Trustee Karin McCarthy-Lange

Staff Present: Dan Di Santo, Village Administrator; Christina Burns, AVA/HR Director; Tina Touchette, Village Clerk; Jennifer Hughes, Public Works Director; Jeff Burgner, Police Chief; Rod Zenner, Community Development Director; Michele Brown, Community Relations Manager; Mark Horton, Finance Director; Jay Hoover, Building & Zoning Manager; Corinna Cole, Economic Development Director; Dave Silverman, Village Attorney; and Greg Jones, Village Attorney.

CONSIDERATION OF AND POSSIBLE ACTIONS ON-ANY REQUESTS FOR ELECTRONIC PARTICIPATION IN MEETING

There was no one who participated electronically.

PUBLIC FORUM

Public Forum was opened at 6:00 p.m.

Wayne Hershberger addressed the Board regarding warning signs for emergency vehicles. He requested the Village add signs or strobe lights at the entrances and exits of places where emergency vehicles may be coming out of; policy change for vehicles exiting the property; 4G policy; worried about other people.

John Palatine addressed the Board regarding his support for chickens.

Bobbi Burgstone addressed the Board regarding her opposition to chickens. She is concerned about enforcement; abandonment of chickens; shooting of chickens by teenagers; eggs are the least expensive food; why people are concerned about the cost of eggs; misunderstood that the Village can override an HOA; unsure about types of chickens; attracting snakes and coyotes; devaluation of home values; recommend the minimum of one acre home sites.

Tamie Pryor addressed the Board in support of chickens. She currently owns chickens that are in Yorkville. She would like to bring them to Oswego. Naperville allows chickens; chickens are clean as long as the owners take care of them; sustainable life style; contribute to local economy; have the chickens at events; currently teaches classes; suggested requiring owners be certified in order to obtain a permit to have chickens; chickens are more like pets.

Frank Raddenbach addressed the Board regarding his support of chickens. He is new town; raise in yard like they are pets; enough restrictions in life; allow as long as not encroaching on neighbor.

Heidi Chase addressed the Board regarding her support of chickens. Supporting chickens as pets; bonding experience just like a dog; cost of eggs is not the point; many neighboring communities allow chickens under an ordinance.

Pat Raddenbach addressed the Board regarding her support of chickens. Moved to Oswego less than six months ago; would not have known the neighbors had chickens; curtains on the coop; very little noise from the chickens.

There was no one else who requested to speak; the Public Forum was closed at 6:16 p.m.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

F.1. Raising of Residential Backyard Chickens

Director Zenner addressed the Board regarding the raising of residential chickens. The Village currently does not allow for the raising of chickens on residential property. The ECO Commission has followed the trend of communities to create a policy that would allow residents to raise chickens as an environmentally conscious way for residents to provide their own source of eggs and serve as an educational opportunity to learn how to raise chickens and where food comes from. Many surrounding communities have amended their codes and ordinances to allow chickens on their properties. The ECO Commission looked at several communities in preparing the draft ordinance. These communities included Batavia, Downers Grove, Elgin, Evanston, Fox Lake, Plainfield, St. Charles, Naperville, and Westmont. The ECO Commission held an open house on February 13th where a speaker from the University of Illinois Extension provided a presentation to residents regarding the raising of chickens. Several residents attended and learned about the process to raise chickens and the issues to avoid when keeping them in a residential area. The proposed text amendment would allow for the raising of chickens in a residential neighborhood. The bulk of the regulations are found in Section 10 as follows:

1. Chicken Coops for the raising of residential chickens subject to the following regulations:
 - a. Up to six (6) domestic hens may be kept on properties zoned and occupied for single family residential use only.
 - b. Roosters are prohibited in the Village limits.
 - c. No person shall slaughter any chickens in the Village limits, except for humane or religious reasons.
 - d. Hens shall be provided with a covered inside enclosure and an adjacent outside fenced area. The outside area shall be no less than 32 square feet in area.
 - e. Enclosures and fenced areas shall be set back thirty (30) feet from any occupied residential structure, other than that of the owner, but not less than the minimum setback required for accessory structures in the zoning district.
 - f. All structures shall be constructed and maintained in such a manner as to be free of rodent infestation.
 - g. A building permit shall be required for all enclosures.
 - h. Electric service to enclosures shall not be provided by an extension cord.
 - i. Hens shall be kept in the enclosure and fenced area at all times.
 - j. All feed and other items that are associated with the keeping of chickens that likely to attract or become infested with rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them.
 - k. All chickens shall be kept in the rear yard.
 - l. All areas where hens are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste such as to cause odors detectable on adjacent properties.
 - m. No person shall allow chickens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity.

The proposed amendment was discussed at the April 24th Homeowner's Confederation meeting. There was general concern with the proposed regulations to allow chickens within residential areas. Many Homeowner's Associations have rules and regulations that would prohibit chicken coops even if it were allowed by Village Ordinance. The members requested that if an ordinance is approved the applicants would have to provide information from their homeowner's association indicating that the proposed chicken coop would be allowed by the association prior to the Village issuing a permit. Each individual homeowner's association has their own covenants and restrictions. Staff would not be aware of every association's rules on whether they would allow or not allow chickens in their residential developments.

Ellen Von Ohlen and Joyce Frankino from the ECO Commission were present to answer any questions.

Board and staff discussion focused on chickens clucking when they lay an egg; cannot slaughter chickens; requiring sturdy fencing; not overriding HOA's; HOA's would not like to regulate; liking the farm to table experience; fresh eggs; permission letter from HOA before the Village issues a permit; finalizing the HOA lists; putting the responsibility on the homeowner; not having a neighbor dictate whether a homeowner can have chickens; whether an HOA supersedes the Village; if covenants are not enforced or are handled inconsistently, then unsure if some covenants are valid; whether the HOA's will inherit problems; challenges could cost the HOA's; covenants are recorded with the County; Naperville honors HOA rules; not finding where home values decreased or property values lowered; Plainfield passed an ordinance in 2012; issued 3-5 permits per year; they have not received any requests this year; Building & Zoning department enforces the ordinance for the Village; no increase in complaints in the past 1-5 years; will depend on volume; no issues on the Police Department side; Police and Kendall County handle vicious animals; there are some chickens in the Village illegally; some homeowners may not be able to meet the standards required through the ordinance.

Additional discussion focused on whether the chickens will be pets or for consumption; part of a teaching experience with children; if there are issues then the Board can revisit the ordinance; if HOA does not allow, then that is what the resident abides by; asking for an exception from the HOA's; if covenants are not enforced then they are not valid; code enforcement has a process in place; what constitutes a reputable place to purchase chickens; making sure you are purchasing a hen and not a rooster; 32 square feet is the minimum space required for a coop; securing chickens at night; worst case scenarios; large costs involved with raising chickens; can't keep people from impulse buying; some coops are nicer than homes; coop sizes are smaller than sheds.

Board requested additional information from staff before taking a vote at an upcoming meeting. They would like more on how chickens affect home values; predators and whether there is an increase when chickens are present.

There was no further discussion.

CLOSED SESSION

There was no Closed Session held.

ADJOURNMENT

The Committee of the Whole meeting adjourned at 6:52 p.m.

Tina Touchette
Village Clerk