

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, MAY 8, 2017 7:00 P.M.**

Members Present: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bessner, Bancroft, Gaugel, Vitek, Lewis

Members Absent: None

Others Present: Mayor Raymond Rogina; Mark Koenen, City Administrator; Rita Tungare, Director of Community & Economic Development; Bob Vann, Building & Code Enforcement Manager; Matthew O'Rourke, Economic Development Manager; Ellen Johnson, City Planner; Chris Bong, Development Engineering Division Manager; Fire Chief Schelstreet; Asst. Chief Christensen; Chris Minick, Director of Finance; Police Chief Keegan

1. CALL TO ORDER

The meeting was convened by Chairman Bessner at 7:00 P.M.

2. ROLL CALLED

Roll was called:

Present: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bessner, Bancroft, Gaugel, Vitek, Lewis

Absent:

3. POLICE DEPARTMENT

- a. Recommendation to approve use of Amplification Equipment for the 2017 Festival of the Fox.

Chief Keegan said some of the events for the festival have been scaled down a bit this year and there is amplification requests for both Pottawatomie Park and Baker Memorial.

Aldr. Bancroft made a motion to approve the use of Amplification Equipment for the 2017 Festival of the fox. Seconded by Aldr. Stellato. Approved unanimously by voice vote. Motion carried. 9-0

4. COMMUNITY & ECONOMIC DEVELOPMENT

- a. Presentation of a Concept Plan for The Quad.

Chuck May-Representing the Krausz Companies-185 Heathrow Ct., Lake Bluff-he said they bought the mall about 3.5 years ago and have been diligently pursuing the redevelopment, a lot of things have changed in that time in terms of real-estate retail development arena, especially in the last 6-10 months.

He said they are on 10 bankruptcies so far, even the worst year of 2009 there were 13 bankruptcies in all, so there is a lot of consolidation and disappearance of retailers which has had a dramatic effect on their ability to revitalize the mall. Enclosed malls are falling rapidly, they are losing their anchors as well as tenants, only the quality A or B malls that are enclosed are succeeding. He said they have had high quality leasing teams, dramatic changes in the architecture, etc. have not resulted in the ability to obtain significant traction in leasing the mall; there's was the demise of the Kohl's store and it was apparent that a different direction needed to be taken. He said they examined the possibilities of the types of uses we might consider, and there is no significant office market here, there are already 1,200 hotel rooms surrounding us. He said they looked at the residential market place, talked to a number of developers, had a market study done, and a mixture of single-family townhome as well as apartments would be appropriate. He then showed the plans with the following changes to the mall building and the remainder of the site:

- Residential townhomes north of mall (155 townhome units), and as amenities could make use of the 2 retention ponds.
- Residential apartments east of the mall (256 apartment units). 4 stories (50 ft. allowed by PUD, may have to expand that a little) with a pad above grade with enclosed parking. The concept will be a plaza area open for opportunities of farmers markets, concerts, etc. By taking down more or all of the mall would give even more opportunities for open and pedestrian space, as well as better use of hardscape and landscape.
- Retaining the existing anchor store buildings (Von Maur, Carson Pirie Scott, Classic Cinemas). He said the berm between those anchors changes the elevation between the upper and lower level and they would very much consider taking the whole mall down to deal with an opportunity of fresh land to have more of a lifestyle open-air type of center.
- Keeping portions of the mall building, but significantly reducing the size of the building by cutting down the mall down to 150,000 sq. ft., which is still a challenge.
- Constructing new building entrances to create outward-facing entries into the mall building.
- Additional freestanding commercial buildings south of the mall.

He said to keep in mind this is a concept plan and still a work in progress and are looking for comments/thought on the residential and how they interface with each other, the surrounding community and with the retail. He said they designed this to have connectivity between the residential and retail by pedestrian way; the vehicular traffic would be segregated to keep it within the residential, and commercial would stay within the commercial area. They have created a number of opportunities for pedestrian/bicycle connectivity between the residential and the retail to head all the way down to Cooper's Hawk or Starbuck. There would also be additional pads for retail opportunities, which would also be connected with pedestrian ways. He said they look forward to working with staff soon to bring together all the comments and work come up with a plan to proceed for a PUD amendment and a more specific plan going forward.

Chairman Bessner noted this is a concept plan and there would be no formal action tonight; just feedback and comments.

Aldr. Lemke said the homes to the north would not consider themselves townhomes, they are single-family, there is an area called Stuart's Crossing but that not immediately to the north. He said the T intersection in the middle of Foxfield due to the bend in the road is very risky to add more traffic. Mr. May said that was also heard at Plan Commission.

Aldr. Payleitner said she was able to give her comments at HOA meetings and Plan Commission, which were all well received. She thinks 155 townhomes might be too high because we need more greenspace and guest parking, and agrees with Aldr. Lemke on the traffic. She likes the lifestyle mall plan, as well as the public space as a buffer between the mall and residential, as well as the pedestrian focus. She said Plan Commission spoke about creating a boulevard to attach residential to retail and she's not sure that's necessary, but maybe parking for inclement weather. Mr. May said that's a good point and they would like to create more open space in the retail area to have shared facilities like parks.

Aldr. Silkaitis asked how long ago they did the market study because a lot of units have been added to the west side. Mr. May said a year ago, and he's aware of the west side units. Aldr. Silkaitis said he would like there to be a new study for the apartments and townhomes. Mr. May said they are 2 very different markets, as well as demographics for the far west side and the east side, due to people downsizing. He said they were inundated with residential developers at the developer's breakfast last week, who were excited and are dying for opportunities like this.

Aldr. Stellato said he is sympathetic to the retail land use that exists today, so residential to him makes sense, but he's not sure what type, form or density. He asked why the connection to Foxfield Rd. is there. Mr. May said they were looking for a way to get the residential traffic in/out to Foxfield, the other choice was being shared with commercial which they are trying to keep from happening. He said they are open to other possibilities and would like to work with staff, but he personally understands the concern. He said if the mall were able to be repopulated at 300,000 sq. ft. we would have seen a different kind of problem there. Aldr. Stellato said if that were his ward he'd be concerned about that because then it lends to a traffic study which is tied to density and he thinks eliminating that entrance or putting it somewhere else would be helpful to the cause; he couldn't support it with the proposed density, unless the traffic study proved him wrong. Mr. May said he understands, but keep in mind we are tearing down 300,000-400,000 sq. ft. of space here, but they fully intend to have the traffic study done to deal with this issue. Aldr. Stellato said he'd like to leave the door open for other opportunities.

Aldr. Gaugel asked Mr. May to address the outlots on Rt. 64, there's 2 already occupied between Cooper's Hawk and Starbucks, and then 5 additional others and it seems those are generating the most interest right now. Mr. May said those 5 were already subdivided lots, we have the 2 and are working on a couple others. In the concept plan we have added 2 more and there is a lot of interest in that, which goes to show that tearing down the mall and creating more separate buildings and opportunities would feel more like a lifestyle center. He said there's a lot of activity going on in back of the mall in terms of leasing, mainly because they can offer very low rents, so retailers are taking advantage of that, and from the retail standpoint the east side is strengthening and the opportunity for us to play in that field by taking down as much of the mall as we can is the way to go.

Aldr. Lewis said she appreciates the pedestrian friendly sidewalk, however whatever is decided that's what she would like to see. She said she's confused this is being presented but what they really want to do is tear down the mall. Mr. May said yes, he hasn't quite satisfied themselves that they can deal with the 19 ft. berm, they are working with engineers to see if they can work with it, if we could it would take out about 150,000 sq. ft., which would add pads that would be visible and all walkable, but if he leaves that 150,000 sq. ft. of building there the ability to keep it and maintain it is a risk and a challenge. Aldr.

Lewis asked if the mall were torn down would there be a higher density of townhomes and apartments. Mr. May said no, the intent would be to keep the retail areas to retail and commercial to commercial, but the residential would stay in those ranges with no intent to change that.

Aldr. Turner likes the idea of opening up the mall, density on the townhomes is a little high, but he does fully believe there is a difference between the east/west side when it comes to renting. He feels the east side struggles come from not having the population that the west side has and once you pass the mall nothing will be built all the way to Rt. 59. If we are going to get residential or people to the east side this is one of the few places we will be able to do it. He'd like them to continue on with this and he agrees with Aldr. Payleitner's comments on what she would like to see.

Aldr. Bancroft asked if the 3 anchors would stay if the rest of the mall were able to be torn down. Mr. May said yes, they have a great relationship with the theater who intends to completely renovate the lobby and do some other exciting things once they hear what the new plan for the mall is. Aldr. Bancroft said subject to the berm issue he would be a big proponent of taking the whole thing down, the interior mall space is not the way to go; why keep 150,000 sq. ft. when you could have none. Truly opening that whole space up will allow for creativity to the south in terms of what that retail can offer and what kind of lifestyle it can provide would then impact the other 2 residential components. Right now he doesn't have a feel for density one way or the other, but at the end of the day a successful exit on this deal starts and stops with taking that whole thing down to envision that lifestyle center that would serve the whole city, and in particular the 2 residential components, and he feels its key. Mr. May said he concurs and is working on that.

Aldr. Lemke said there is still opportunity to improve the entrance and it wasn't that long ago that we had Kmart and Spiess, took out the mall between them and now we have nothing, so he cautions people because it wasn't an attractive conversion and it wasn't successful; you might get what you ask for but in the end it might not be what you want.

Chairman Bessner said he agrees with Aldr. Bancroft in regard to the berm issue, as well as possibly getting rid of the mall because what he sees is a design that looks great with residential but doesn't interact with any of the mall as it exists on the plan, it only interacts with the movie theater. If we are talking about lifestyle and synergistically combining the residents with the mall, this design doesn't do it. Mr. May said they have worked at a number of things to try to create opportunities, he mentioned trying to keep the center court in the grand pavilion and trying to keep the open public spaces, but it just lead to tearing everything down would work a lot better. The problem with enclosed malls is the cost of maintaining them is put onto the tenants, and tenants today just don't want to pay for that space, he's keeping it open and paying a lot of money for mall walkers to use as a park; lighting, heating, cooling, janitorial, etc. is a lot of money. He said turning it into a nice open space of a park setting and increasing the plaza for people to gather and possibly have concerts would be more beneficial for both residents and retail. Chairman Bessner said the design shows the part of the mall that will come down in the first point as a parking lot, to the east of the plaza. Mr. May said yes that's intended to be parking for Carson's and Von Maur, but we are over parked in this particular design, as we take things down less parking would be needed, then more building pads would be created and they could then figure out how much parking would be needed, much like what was done with the current pads there.

Aldr. Lewis said if most of the mall get torn down and rebuilt, she suggested designing it east and west to have more sunlight because Geneva Commons runs north and south and it gets a bit chilly in the winter time. Mr. May said fortunately this site does run east and west which gives the opportunity to

create buildings that have restaurants with patio's on the south side, they would like this to have a more intimate and walkable feel than the Commons has.

Aldr. Turner said he would like to see the whole mall come down, but they can think about that going forward.

- b. Recommendation to Approve a Commercial Corridor and Downtown Business Economic Incentive Award for 1650 W. Main Street (Nick Smith - Alexander's Café).

Mr. O'Rourke said they need some very necessary upgrades to their HVAC system, it currently takes in too much and does return enough air into the air of the restaurant to create an imbalance and negative pressure situation; the system was installed by the previous owners. The grant is a tier 2 award with the maximum amount of \$25,000 with the city matching funds making the total cost \$54,388.

Aldr. Payleitner said she knows its staff's job to check for eligibility for this program, but her concern is we are doling out 25% of the budget for this 1 project and maybe Committee's job is to overview how it applies to the programs purpose. She looked at the list of 4 items for the programs purpose and she doesn't see this applying to any of those, she doesn't feel what goes on inside, such as the air conditioning, really speak to the outside value. Mr. O'Rourke said the purpose statements are more generalized in nature, then the staff evaluates the proposal and it then goes further down into the program description where it talks about what is and isn't eligible; those are the specifics staff uses to evaluate these grants. Aldr. Payleitner said staff did a great checking for eligibility, but she doesn't know where they fall-in under the program purpose. She said it's a great business, great food, looks great, but she wonders if this is something the city needs to foot the bill on though.

Chairman Bessner asked if this correlates with an award we gave for a business that just opened involving kitchen walls, etc. Mr. O'Rourke said there a few instances of that where walls were added to separate customer space, but that was in conjunction with a new business moving, Abby's restaurant had a similar instance, but it was an expansion project. Staff evaluated this and it really is a need, there is exhaust gas coming back in through the water heater and the current business owner didn't create that issue, staff looked at it under extraordinary costs on a case by case basis, which is one of the criteria that can be used for the tier 2.

Aldr. Bancroft said he doesn't think the lynchpin is whether somebody is still in possession or not, it doesn't need to be vacant and in trouble for us to do this, the fact that the physical need is there is the criteria. It's not necessarily that it's prior to occupancy, he doesn't see that as a differentiator.

Aldr. Lewis wonders if this was going on in the business that was there before, then the building changed hands and aren't there building inspections or permits that would make people aware of this before they even buy it. Mr. Vann said the inspectors walked through all the issues and they don't believe there was a change because this is a hood system where they prepare the food, but they don't know if it was already there with the previous owner, but they believe it was. Aldr. Lewis said didn't he take out permits to refurbish that, and why don't we know if it's there. Mr. Vann said we know it was there, we don't know if there was a change after they remodeled everything.

Aldr. Payleitner said the grant is for \$25,000 and how did that go with the previous recipients. Mr. O'Rourke said that's the maximum amount eligible, there's been about 3-4 that have gotten up to that,

both tenants at the former Vertical Drop space, Abby's kitchen and Crazy Fox was a little under that, but close to \$20,000.

Aldr. Stellato made a motion to approve a Commercial Corridor and Downtown Business Economic Incentive Award for 1650 W. Main Street (Nick Smith - Alexander's Café). Seconded by Aldr. Bancroft.

Roll was called:

Ayes: Lemke, Turner, Bancroft, Gaugel, Vitek, Stellato, Silkaitis

Absent:

Nays: Lewis, Payleitner

Motion carried 7-2

- c. Plan Commission recommendation to approve a PUD Preliminary Plan for Generation Rescue, Tyler & 64 Business Park PUD Lot 2.

Ms. Johnson said Vincent Fiore of Fiore Builders, Inc. has applied for PUD Preliminary Plan approval to develop the remaining building pad on Lot 2 with a clinic for Generation Rescue, a non-profit advocacy organization. The site plan, landscaping and building elevations meet applicable zoning and PUD requirements. Plan Commission reviewed this item and recommended approval by unanimous vote.

Aldr. Turner made a motion to approve a PUD Preliminary Plan for Generation Rescue, Tyler & 64 Business Park PUD Lot 2. Seconded by Aldr. Stellato. Approved unanimously by voice vote. Motion carried. 9-0

- d. Historic Preservation Commission recommendation to approve Historic Landmark Designation for 412 Fulton Ave., Charles S. McCornack House.

Jeffrey and Kristen Ford have nominated their property at 412 Fulton Ave. for Landmark status. The house was constructed circa 1931 in the Colonial Revival style and was built for Charles S. McCornack, who established McCornack Oil Company. He operated a service station at the corner of 3rd and Main St. which is now the St. Charles History Museum. Historic Preservation Commission held a public hearing on the landmark nomination and recommend approval.

Aldr. Gaugel said he this how is in his neighborhood, it's a beautiful house and the Ford's have done an excellent job preserving it and it's an outstanding addition in terms of historic preservation for the city.

Aldr. Gaugel made a motion to approve Historic Landmark Designation for 412 Fulton Ave., Charles S. McCornack House. Seconded by Aldr. Bancroft. Approved unanimously by voice vote. Motion carried. 9-0

- e. Historic Preservation Commission recommendation to approve a Façade Improvement Grant Agreement for 228 W. Main St.

Ms. Johnson said Dove Thiselton has applied for a grant in the amount of \$6,300 to assist in re-covering 5 awning frames, as well as signage and sign lighting. Historic Preservation Commission and staff reviewed the grant and recommend approval.

Aldr. Turner asked about the business. Dove Thiselton-is opening 2 businesses, As Cute As It Gets is a children's photography studio. The other is Ghoulish Mortals, a children's monster store which has a lot of really cool retail, birthday parties downstairs and the backroom is geared toward teens that are into horror, but nothing too gross. It's a fun store and she thinks it's a perfect location for it, especially with both studios. Aldr. Turner said so it's a kid's store, there won't be a bunch of vampires in there at 2am. Ms. Thiselton said no, but she is hoping to stay open later to catch the bar crowd because they'd be really amused by her place.

f. Recommendation to approve an Ordinance Amending Title 6 of the St. Charles Municipal Code, Entitled "Animals", Chapter 6.04 "Definitions" by adding Section 06.04.055 "Beekeeping" and Chapter 6.12 "Regulations", by adding Section 06.12.085 "Beekeeping".

Chairman Bessner asked for any thoughts, discussion or direction on the proposed Ordinance, as well as thoughts on alternatively going toward using the city's current nuisance abatement Ordinance that is already in place, however staff is still checking with the city's legal counsel to see if that can happen.

Aldr. Lemke said he noticed there is a maximum number of hives on the property, a provision for a 6ft. fence, and to center the hives to not be near the neighbor's home and he feels what's important is that we want to allow existing beekeeping to be retained (grandfathered), but that's subject to some licensing by the state which requires training and certification, and not that the city wants to outlaw beekeeping like the paper states.

Aldr. Stellato reminded everyone that this started because there was an issue that needed to be addressed, he said he is certainly amenable to finding a way to make this work as part of the Nuisance Ordinance to address complaints, he thinks everyone will be happy; neighbors need someone to turn to if there is a problem. He's not sure how this morphed into where we are today, but it was a logical progression with a task force being brought in for recommendations and staff did a great job working a lot of extra hours to do this. He said if the 10 points in the Ordinance are too much and cause harm to existing beekeepers, or causes no problems and are not an issue, then we need to figure out how to give staff and neighbors the right to feel protected and enforce a problem/nuisance to be able to go after somebody; how we craft that he's not sure, he looks to Counsel for that, but he has neighbors here from his ward that feel they have nowhere to turn. He noted that he didn't know of the other beekeepers in town because they have never been a problem and he doesn't want to put any hardship on them.

Aldr. Lewis said she has received many letter in the last few weeks encouraging her to not support an Ordinance, she has not heard from a single person who wants this ordinance in place; from her vantage point there's only 1 sited, but she does agree there's needs to be an avenue if someone has a problem and that why she likes the nuisance abatement. She feels it's a good compromise for both sides and she hopes we can get it into the nuisance abatement.

Aldr. Vitek said she too has received many letters and phone calls, she also visited a residence, and she feels in many cases the Ordinance is too strict on the homes in her ward and discourages beekeepers from their hobby and doing what they love; she is not currently in support of the Ordinance the way it's written.

Aldr. Turner said he agrees with going with the Nuisance route, he thinks bees flying can be qualified as a nuisance and let's get the city attorney to work it out, because then we do have powers to enforce or remove that nuisance and he would like to see that in the ordinance.

Aldr Payleitner said she has been schooled in beekeeping and now knows the advantages and she is not anti-bee, but she is very much pro good neighbor. She said this comes down to, whether its nuisance abatement or Ordinance, we do live in town and there more expectations of us as neighbors, if we lived west with more land outside the city limits is another story, if the park dist. wants more hives great, but we need to do what we can to assure good neighbors.

Aldr. Gaugel said he too was inundated with emails and phone calls, today alone was 8 emails and 1 phone call, all in support of not putting this ordinance into place, and not 1 who supports it. An absolute deal breaker to him is the 6 ft. high fence, especially if we are talking about a grandfather provision as well. A complete deal breaker is the ½ acre lot, if you are grandfathered in and have less than a ½ acre lot you then have to put up a 6 ft. fence, which is incredibly restrictive and a bee is not going to be stopped by a 6 ft. fence if there are tasty flowers on the other side; both of those are complete non-starters for him right off the bat. Testimony from residents and current beekeepers is that they have taken the courses mentioned, he doesn't think that would be objectionable to much of the beekeepers here, in every case, with the exception of the 1 brought to life here, he thinks that would be a fine prerequisite. By getting into lot size and fence size it's very restrictive and he said thinks we've gone down a path of hampering someone's personal enjoyment of their own property; if somebody want to do that they should be allowed.

Aldr. Stellato said there are 10 items listed that are the framework/outline for the ordinance and he agrees that committee should go through and pick out the ones that make sense:

- Owner occupied/Single-family zoning dist.- is a no brainer, we don't want them in apartments or townhome communities, there'd be no separation.
- Proof of registration with the Illinois Dept. of Agriculture-he's not sure if that's typical, but if it is and we make that part of this, if Bob Vann goes out for a complaint what is he checking on, what's the test.

Aldr. Bancroft said in that regard we could do that, but what gets confusing to him is whether we are watering down a proposed license ordinance, or are we going the other route to deal with it on the nuisance side. Dealing with it on the nuisance side feels like it's a lot more about bad neighbor behavior, and a lots less about being registered, etc. Aldr. Stellato said he thinks it's both because how do you know it's a nuisance or not, there are things in there for framework, but what's considered to be a nuisance; maybe they have more than 2 hives and no water source, we use part of that to make that as a nuisance. He agrees that there would be pushback on the fence, ½ acre and fees for inspection, and he understands why.

Aldr. Bancroft said if there was a complaint under the nuisance ordinance it's no different than a noise or barking dog complaint, then its investigated, then adjudication where evidence is presented and is then decided whether there was or wasn't a nuisance. He's a little reticent to have all of these elements in a nuisance ordinance spelled out, when really it's more of an evidence thing, did it happen or not. We have somebody who will adjudicate it, people have their own evidence, it's all done right there as opposed to codifying. Mr. Koenen said it's hard to reason or identify what's required so the city has something to enforce, and we need to have some criteria to say whether someone is meeting or not meeting the code. He said if someone comes in with a complaint of being stung by a bee and their neighbor is a beekeeper, we don't know if it's their bee or something else, another issue is that you have to have 3 complaints within a 12 month duration. If the city goes out there and they meet all the requirements of the code, however we still have this complaint, what we are trying to establish under the nuisance if it's happened at least 3 times within 12 months so we have some documented evidence that

there is a complaint, which gives us a little more gravity to consider this in front of the adjudication officer based on the significance of the event and the testimony that's offered; but it's a tough one to argue with. Ms. Tungare said in the nuisance abatement ordinance chronic nuisance is defined so there is a set of items listed and beekeeping would be included in terms of managing it, and if it does become nuisance there's some criteria code enforcement can use. Mr. Koenen clarified that the criteria would be added to the nuisance abatement ordinance.

Aldr. Lemke mentioned a parcel along Country Club in Aintree, which is probably the only place you might have an acre, and he agrees there are some things that are onerous and unlikely. He said but we are becoming agricultural so he proposes to add a limit to how many different types of animals one could have, because he sees this going farther.

Aldr. Payleitner said she knows sitting on the ATM commission, and pertaining to the massage businesses in town they were able to contain and control, and the good businesses were all about it and happy to comply because it curtailed the bad businesses. So she wonders if the good beekeepers would be okay with us having some, not all, of the good points here that they probably comply with already, as well as having a license. That way if there's some sort of negligence or noncompliance the license gets pulled and the bees are gone; it just gives the city some control and there's nothing fuzzy about it.

Aldr. Lewis said most of the beekeeping is a hobby, not a business for profit or rented space, just their own private backyards and she doesn't know we should start regulating people's personal hobbies. She thinks if there's a way to put it in the nuisance abatement ordinance, and if the police are called to a residence 5-6 times we know there's an issue there, and usually that issue will be between the 2 neighbors. Aldr. Payleitner added that hasn't worked out too well in town.

Chairman Bessner asked Chief Keegan what happens if there are 3 complaints for something under the current nuisance abatement ordinance, and what are the typical complaints received. Chief Keegan said they typically try to abate the nuisance but if they see a pattern a warning letter is sent putting the perspective party on notice. If there is no compliance or improvement a meeting will then be set up to try to abate the nuisance and if not it will then go to the adjudication process, with a maximum fine of \$750, depending on the circumstances, but we do seek the spirit of cooperation with the prior steps first. He said the Police dept. works closely with Community Dev. with any property maintenance code issues, but most of the time they are law enforcement related responses.

Aldr. Turner said there are some good points in the proposed Ordinance, some go too far and he'd like to see it under nuisance abatement, and he feels there's been enough conversation as to what committee would and would not like to see in the Ordinance.

Aldr. Turner made a motion to table this item until the June Planning & Development meeting for staff to bring a nuisance abatement ordinance portion for beekeeping with some of the comments accepted by the Committee. Chairman Bessner said he had no issues with that.

Mayor Rogina said by putting licensing on the side in great strides, he gives staff great credit for coming up with the proposed ordinance and have focused on the subject all the way around and he's learned a lot about bees, and he sees no reason to bother the beekeepers. However he does see the need to resolve the disputes, and he feels there are several good points in the proposed ordinance that could be incorporated into the nuisance abatement ordinance, including the state regulations. He suggested bringing this back in 2 weeks to Government Services to move this along and be done once and for all. Aldr. Lewis asked if would come back with an ordinance, because she is ready to vote no on the

ordinance tonight, and if it comes back again with another ordinance she will probably vote no again. Mayor Rogina asked if she would vote yes if only certain criteria were incorporated such as: no licensing, no fences, something about property lines, something about water, those would all be put into the abatement ordinance. Ms. Tungare said staff would bring forward an ordinance that would amend the existing nuisance abatement ordinance, but there will not be a standalone ordinance regulating beekeeping. It will have to be an ordinance because that's the instrument for the Council to approve any changes to any part of the city code, it's more a technicality, and there will not be any additional layers of regulations like a standalone ordinance. Aldr. Lewis said she'd have to see what's in it.

Gary LaGesse-1618 S. Tyler- asked to speak before the vote was made because there is a new alderman that doesn't know what happened and this has been going on for a year. Chairman Bessner explained that he not a new alderman and is aware of that and that why committee is trying to fine tune this and moving it off for 2 weeks not a month. Mr. LaGesse said he's lived here for 30 years and except for his college roommate and best friend getting made lieutenant and battalion chief from the fire dept. he's never had a problem before. He then quoted some articles regarding the McIlvaine case stating that the city grandfathered him for 42 years for what he was doing on his property and it took 42 years for the city to do something, and he wonders how much many it cost to finally get rid of it. He quoted Mr. Leutkehans who stated that the city would act to protect residents from situations that could negatively affect their property and if somebody now comes into his backyard he has to disclose, as part of the deal, that his family has been stung, yes the bees swarm, and what will that do to his property. Another article from Mr. Fuller-Daily Herald, quote Mr. Napolitano stating they had to get out of the beekeeping hobby and that he would then try to find a friendly neighborhood with property that matched the city's guidelines to be a host. He said he does not speak to the Napolitano's the wife comes outside and gives them the finger and F bombs, they have called the police and him and his wife as well. He said their kid used to play in his backyard, like many of the kids used to, and you cannot play in his backyard anymore. He invited committee members to have lunch in his backyard and none of them took him up on it; the experiment is over and the bees have to go, there's been enough complaints. If someone gets stung again he will have a lawyer there, it's dragged on for a year and committee should be ashamed of themselves for letting people get stung.

Heidi Napolitano-103 Cambridge Ct.-said her bee boxes are the center of this discussion; she is a little disturbed at some of the accusations just thrown our way. she said she has actually approached Mrs. LaGesse asking why she didn't approach them before making a complaint, because there was never any problems between them as neighbors. She said there's been a lot of hostility from Mr. LaGesse and she's not sure where it's coming from, the original issue was the neighbors who live directly behind them, it occurred the day they put the boxes up. The boxes were not on the property line but 12 ft. from the line in their own garden bed, that neighbor said he wasn't comfortable with that and asked if there was ordinance that allowed them to do this. She approached the neighbor later and offered to move the boxes, which they did, away from the property line and asked the neighbor to the north-east if it bothered him, to which he stated as long as they don't bother him, he didn't have a problem with it; the boxes are still there now. She said yes, the bees did swarm and she's not sure why people are being stung, other than last year was a bad year for wasps, she had a wasp problem herself, but none of her other neighbors have been stung, just the 3 that have banded together and for some reason have it out for her and her bees, and that's how she feels. She said they have been accused of being unfriendly and not trying to solve this, which is not true they have tried, but none of them will speak to us, but she would love to sit down to figure out how her beekeeping can be more acceptable to those 3 neighbors. They are the only people that have complained, and we are surrounded by children who play in their yard, they have a chicken coop also that is beautiful and the neighbor's grandchildren have been over to look

at it, and she doesn't know why they are being attacked, but she feels they are, publicly. This is the first time she's been able to express her side of what is going on, but she would like nothing more than to be able to keep her bees, but more importantly it is not fair that because of 3 neighbors attacking us, that other beekeepers in St. Charles should be affected. She doesn't support that and doesn't feel there should be an ordinance, and if there's a nuisance abatement there should be opportunity for neighbors to sit down and talk with one another, like she's tried to do with them, but they would not talk with her. Chairman Bessner said committee will be looking at the nuisance abatement revision closely to fine tune or tweak it so it's good for all, or the ordinance at hand, but other issues that are going on need to be taken up in another way. Ms. Napolitano asked if it'd be possible to determine if neighbors have banded together against other neighbors to be sure there is a way its flushed out, because with a nuisance abatement the first thing will complain and be sure its 4 times to be sure we cannot keep our bees, and she would like that considered.

Tom Luppino-53 Roosevelt St.-compels committee to go with the nuisance abatement as a way to solve this problem, the code is too restrictive and would cost beekeepers a ton to comply and it's unnecessary. President Obama put bees in the white house garden to exemplify how important they are, it wasn't to instill fear, thousands of people visit the white house every day without an issue. The fallout from this is huge, due to something that originated from a neighborhood dispute, please go with the nuisance abatement and everybody will be happy.

Michael LaCava-39 S. 4th St.-4th ward is awesome, he has spoken with both his alderman and he is a backyard beekeeper as well as an attorney, so with his training he is taught to look at things to see what's most reasonable. He thinks the ordinance has some things that make sense, but other do not, fencing and setbacks are very prohibiting, his lot is only 49.5 ft. wide and he does feel it's great to keep hives off property lines to be a good neighbor. He checked with both of his neighbors before getting his hives to be a good neighbor, he has kids as well as 1 of his neighbors and he wouldn't bring the bees around if he thought it would be a nuisance, problem or issue. Please keep in mind what's reasonable to address this so people can still enjoy this, again the setback is something he cannot meet, he cannot even get grandfathered in with that, but he does keep it off the line of his neighbors, and he's had no issues.

James Truesdale-1709 Madsen Ct.-Wheaton-is a beekeeper of Pine Tree Farm, park of the DuPage forest preserve. We lost 44% of our hives last year in the US, and we have not been able to stop it and if we lose the bees 1/3 of our food is gone; nuts, vegetables and fruits. We are losing them to chemicals, monoculture, we don't have enough flowers and trees, and the varroa destructor. In regard to beestings, 95% of people do not get stung by bees, they only go out for what they need, but it will sting if you get too close to their home or if they are swung at while trying to find pollen or water. There is an imposter called the yellow jacket wasp, if you're stung by a yellow jacket there will be a little sack attached to the arm that keeps pumping venom, when a bee stings you the stinger gets stuck in the body and they then die. He said beekeepers are losing their bees and we don't need any more restrictions.

Martha Gass-211 S. 3rd Ave.-showed a video of where her bees are located in her yard, and several of her neighbors have had bouncy houses to entertain their children during parties, and the video shows children playing in the bouncy house and the bees are of no issue. So many of us beekeepers have taken courses and are part of local groups where we are schooled as to the best placement of your hive to not be a nuisance to the neighbors. Her neighbors have always been welcoming and have asked to **pelk** with the bees, as well as installing new packaged bees and helping with the honey harvest. It seems committee is taking a step back to put something reasonable in place and she encourages them to do so. She said when this first came up she forwarded a model ordinance from the Minnesota beekeepers, and

there's some pretty dramatic differences with the proposed ordinance for tonight. She too with would have a difficult time coming into compliance with the lot size and she is happy they are considering something different.

Aldr. Payleitner asked if there would be something in there in regard to it being an attractive nuisance if it's out in the open. Ms. Tungare said that's why the Ordinance that was drafted required the fencing to prevent it from becoming an attractive nuisance to other children on adjoining properties. In terms of the nuisance abatement ordinance, we will need to come up with criteria that are enforceable, such as lot lines, water source, flyway barrier, something enforceable to prevent it from being a nuisance, but also able to define the nuisance. A bee sting alone will be very difficult to enforce.

Aldr. Turner amended his motion to postpone this item to the May 22nd Government Services meeting. Seconded by Aldr. Lemke.

Roll was called:

Ayes: Lemke, Turner, Bancroft, Gaugel, Vitek, Lewis, Stellato, Silkaitis, Payleitner

Absent:

Nays:

Motion carried 9-0

- g-1. Recommendation to Approve a Plat of Easement for Public Utilities between SC Out Parcels One LLC and the City of St. Charles (3710 E. Main St./Cooper's Hawk).

Mr. Bong said the watermain needed to be shifted north near the northwest corner of the building in order to have proper separation from the building, this is the easement for the new watermain location, as well as public electric west of the building that needs to be placed in an easement as well. Staff has reviewed this and recommends approval

Aldr. Stellato made a motion to approve a Plat of Easement for Public Utilities between SC Out Parcels One LLC and the City of St. Charles (3710 E. Main St./Cooper's Hawk). Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion carried. 9-0

- g-2. Recommendation to Approve a Plat of Vacation between SC Out Parcels One LLC and the City of St. Charles (3710 E. Main St./Cooper's Hawk).

Mr. Bong said this is part of the previous item, it's a plat of vacation of the location of where the watermain was, where we shifted it from, so there is no longer a watermain in this section of easement. Staff has reviewed the plat and recommends approval.

Aldr. Bancroft made a motion to approve a Plat of Vacation between SC Out Parcels One LLC and the City of St. Charles (3710 E. Main St./Cooper's Hawk). Seconded by Aldr. Turner. Approved unanimously by voice vote. Motion carried. 9-0

- h. Recommendation to Approve a Plat of Easement for Public Utilities between SC Out Parcels One LLC and the City of St. Charles (3830 E. Main St./Quad Retail Building).

Mr. Bong said there is new public electric near the west side of the building and new public watermain leading up the fire hydrant and the parking lot east of the building. Staff has reviewed the plat and recommends approval.

Aldr. Turner made a motion to approve a Plat of Easement for Public Utilities between SC Out Parcels One LLC and the City of St. Charles (3830 E. Main St./Quad Retail Building). Seconded by Aldr. Lemke Approved unanimously by voice vote. Motion carried. 9-0

- i. Recommendation to Approve and Execute an Acceptance Resolution for Public Utilities at 3710 and 3830 E. Main Street (SC Out Parcels One LLC).

This is the acceptance resolution for the new public utilities at the previously mentioned properties, the acceptance resolution and bill of sale officially transfers ownership of the public utilities from the developer to the city. The utilities have undergone required testing and passed inspection and staff recommends approval.

Aldr. Stellato made a motion to approve and Execute an Acceptance Resolution for Public Utilities at 3710 and 3830 E. Main Street (SC Out Parcels One LLC). Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion carried. 9-0

5. ADDITIONAL BUSINESS-None.

6. EXECUTIVE SESSION-Pending Litigation

Aldr. Lemke made a motion to go into Pending Litigation Executive Session at 8:39pm., Seconded by Aldr. Payleitner

Roll was called:

Ayes: Payleitner, Lemke, Turner, Krieger, Gaugel, Bessner, Lewis, Stellato, Silkaitis

Absent:

Nays:

Abstain:

Motion Carried 9-0

Motion made by Aldr. Lemke. Seconded by Aldr. Stellato to come out of Executive Session at 8:46PM. Approved unanimously by voice vote. Motion carried. 9-0

7. ADDITIONAL ITEMS FROM MAYOR, COUNCIL, STAFF OR CITIZENS- NONE.

8. ADJOURNMENT- Aldr. Payleitner made a motion to adjourn at 8:48pm. Seconded by Aldr. Bancroft. Approved unanimously by voice vote. Motion Carried. 9-0