

**MINUTES  
CITY OF ST. CHARLES, IL  
PLAN COMMISSION  
TUESDAY, MAY 8, 2012**

---

Members Present:            Todd Wallace, Chairman  
                                     Brian Doyle  
                                     Thomas Pretz  
                                     Sue Amatangelo  
                                     Tom Schuetz  
                                     Tim Kessler, Vice Chairman/Secretary

Members Absent:            Curt Henningson

Also Present:                Matthew O'Rourke, Planner  
                                     Russell Colby, Planning Division Manager  
                                     Sonntag Court Reporter

**1. Call to order**

The meeting was called to order at 7:02 p.m. by Chairman Wallace.

**2. Roll Call**

Vice Chairman Kessler called the roll. A quorum was present.

**3. Presentation of Minutes**

**A motion was made, seconded and unanimously passed by voice vote to accept the minutes of the April 17, 2012 meeting.** Mr. Pretz abstained.

**PUBLIC HEARING**

**4. General Amendments (City of St. Charles).** Chapter 17.22 "General Provisions" and Chapter 17.30 "Definitions" related to provisions for Donation Boxes

The attached transcript prepared by Sonntag Reporting Service, Ltd., is by reference hereby made a part of these minutes.

**Mr. Kessler made a motion to continue the Public Hearing to the May 22, 2012 meeting.** Ms. Amatangelo seconded the motion.

Voice Vote:

Ayes:                        Schuetz, Amatangelo, Wallace, Kessler, Doyle, Pretz

Nays:                        None

Absent:                     Henningson

Motion Carried.

Mr. Doyle noted he will not attend on May 22 and he would prefer to be present when a recommendation is made on this item.

**Minutes – St. Charles Plan Commission**

**Tuesday, May 8, 2012**

**Page 2**

**Ms. Amatangelo made a motion to place the item on the Meeting Agenda for a recommendation at the June 5, 2012 meeting.** Mr. Kessler seconded the motion.

Voice Vote:

Ayes: Schuetz, Amatangelo, Wallace, Kessler, Doyle, Pretz

Nays: None

Absent: Henningson

Motion Carried.

**4. Election of Officers.**

**Mr. Kessler made a motion to nominate Todd Wallace as Chairman.** Mr. Schuetz seconded the motion.

Voice Vote:

Ayes: Schuetz, Amatangelo, Kessler, Doyle, Pretz

Nays: None

Absent: Henningson

Motion Carried. Chairman Wallace abstained.

**Mr. Schuetz made a motion to nominate Tim Kessler for Vice Chairman.** Mr. Doyle seconded the motion.

Voice Vote:

Ayes: Schuetz, Amatangelo, Wallace, Doyle, Pretz

Nays: None

Absent: Henningson

Motion Carried. Mr. Kessler abstained.

The Commission discussed that with passing of Jim Spear, the Secretary officer position should be retired, given that this function is now handled by staff.

**Mr. Kessler made a motion to eliminate the Secretary officer position.** Mr. Doyle seconded the motion.

Voice Vote:

Ayes: Schuetz, Kessler, Amatangelo, Wallace, Doyle, Pretz

Nays: None

Absent: Henningson

Motion Carried.

**5. Meeting Announcements**

Tuesday, May 22, 2012 at 7:00pm in the Council Chambers

Tuesday, June 5, 2012 at 7:00pm in the Council Chambers

Tuesday, June 19, 2012 at 7:00pm in the Council Chambers

**Minutes – St. Charles Plan Commission**  
**Tuesday, May 8, 2012**  
**Page 3**

Mr. Doyle will not attend on May 22.

- 6. Additional Business from Plan Commission Members, Staff, or Citizens**
- 7. Adjournment at 8:26PM**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

S61294

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF K A N E )

BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

In the Matter of: )  
 )  
 )  
General Amendments, )  
General Provisions )  
and Definitions )  
Related to Provisions )  
for Donation Boxes. )

REPORT OF PROCEEDINGS had at the hearing of  
the above-entitled matter before the Plan  
Commission of the City of St. Charles in the  
Council Chambers, 2 East Main Street, St. Charles,  
Illinois, on May 8th, 2012, at the hour of  
7:02 p.m.

1           **PRESENT:**

2                   MR. TODD WALLACE, Chairman;

3                   MR. TIM KESSLER, Vice Chairman;

4                   MS. SUE AMATANGELO, Member;

5                   MR. BRIAN DOYLE, Member;

6                   MR. THOMAS PRETZ, Member; and

7                   MR. TOM SCHUETZ, Member.

8

9           **ALSO PRESENT:**

10                   MR. RUSSELL COLBY, Planning Division Manager; and

11                   MR. MATTHEW O'ROURKE, Planner.

12

13

14

15

16

17

18

19

20

21

22

23

24

1 CHAIRMAN WALLACE: Please will the  
2 Plan Commission come to order.

3 Tim, roll call.

4 MEMBER KESSLER: Amatangelo.

5 MEMBER AMATANGELO: Here.

6 MEMBER KESSLER: Schuetz.

7 MEMBER SCHUETZ: Here.

8 MEMBER KESSLER: Doyle.

9 MEMBER DOYLE: Here.

10 MEMBER KESSLER: Pretz.

11 MEMBER PRETZ: Here.

12 MEMBER KESSLER: Kessler, here.

13 Wallace.

14 CHAIRMAN WALLACE: Here.

15 Item 3 on the agenda is presentation of the  
16 minutes of the April 17th, 2012, meeting.

17 Is there a motion to approve?

18 MEMBER AMATANGELO: So moved.

19 MEMBER KESSLER: Second.

20 CHAIRMAN WALLACE: It's been moved  
21 and seconded.

22 Any discussion?

23 (No response.)

24 CHAIRMAN WALLACE: All in favor.

1 (The ayes were thereupon heard.)

2 CHAIRMAN WALLACE: Opposed.

3 MEMBER PRETZ: I'm going to abstain.

4 CHAIRMAN WALLACE: Okay. Any

5 opposed?

6 (No response.)

7 CHAIRMAN WALLACE: Motion passes.

8 That brings us to Item No. 4 on the agenda.

9 Item 4 is general amendments, City of

10 St. Charles, Chapter 17.22 General Provisions and

11 Chapter 17.30 Definitions related to provisions

12 for donation boxes.

13 For those of you who have not been before

14 us before, this is a public hearing. The

15 St. Charles Plan Commission is commissioned by

16 the City Council to hold public hearings for any

17 applications that come before the City, including

18 any applications brought by the City itself,

19 which is what we are doing tonight.

20 Tonight this is a general amendment to the

21 zoning ordinance, and we have here a

22 representative from the City who is going to be

23 making a presentation.

24 After the presentation, Plan Commission

1 members will ask any questions that they have,  
2 and anyone else who wishes to offer any testimony  
3 or ask any questions can do so at that time.

4 At the end of tonight's meeting, if we have  
5 all the information that we believe we need in  
6 order to make a recommendation to the City  
7 Council, then there will be a motion to close the  
8 public hearing, at which time at a later meeting,  
9 we will vote on whether or not to recommend to  
10 the City Council to approve the application.

11 Any questions regarding that?

12 (No response.)

13 CHAIRMAN WALLACE: Okay. Anyone who  
14 wishes to offer any testimony or ask any  
15 questions, at this point in time, I would ask  
16 that you stand, raise your hand, and be sworn in.

17 (The witnesses were thereupon  
18 duly sworn.)

19 CHAIRMAN WALLACE: Thank you. I  
20 would just ask that -- or point out that there is  
21 a court reporter present tonight, and if you have  
22 any questions or wish to offer any comments, that  
23 you approach the lectern, speak your full name,  
24 spell your last name, and also state your address

1           for the record. And also only one person talks  
2           at a time. So you have to be recognized by me in  
3           order to talk.

4                     Are we ready to go?

5                     MR. O'ROURKE: I'm ready when you  
6           are.

7                     CHAIRMAN WALLACE: All right. Go  
8           ahead.

9                     MR. O'ROURKE: Thank you,  
10          Mr. Chairman.

11                    Lately, I'd say, in the last few months,  
12           it's become aware to staff -- there have been  
13           calls from residents, business community members,  
14           even some commissioners on other commissions  
15           regarding the placement and sort of number of  
16           donation boxes that are coming up through town.  
17           They seem to be multiplying to some degree.

18                    We continually get asked, you know, is  
19           there any way to make sure that these are  
20           regulated and/or done -- placed in a way so that  
21           they don't interfere with the normal use of the  
22           property.

23                    Currently, there are no standards in the  
24           zoning ordinance. So we're here tonight to kind

1           of go over some of the details of what we're  
2           thinking and proposing an ordinance amendment to  
3           put some of those standards into the ordinance,  
4           so we have at least at a minimum sort of a  
5           baseline code. So we have some, you know, form  
6           of regulation when these boxes get a little out  
7           of hand.

8                       Really, when staff became aware of this,  
9           what we did was we drove around town, with what  
10          we call window -- or windshield surveying and  
11          just looked for these boxes and took pictures of  
12          them. Quite frankly, I was a little surprised at  
13          the number that I found all over town. This  
14          slide just represents what I saw east of the  
15          river.

16                      As you can see, there's some in downtown  
17          zoning districts, kind of in residential zoning  
18          districts. These two slides are actually all one  
19          property. So there's four here, and then again  
20          you see this picture here and also these bottom  
21          two. This is all one property. So I count that  
22          as seven of these boxes just located on one  
23          commercial zoning lot, but it's not a very big  
24          lot in all honesty.

1                   And, of course, there's some other issues.  
2                   You know, it seems these are magnets for other  
3                   garbage. That's not donation material there.  
4                   That's just garbage items that people have  
5                   stacked. They're not always kept that clean.  
6                   Here you can see another box just kind of stacked  
7                   here. I guess somebody expects somebody to take  
8                   it at some point, but it never happens.

9                   CHAIRMAN WALLACE: Matt.

10                  MR. O'ROURKE: Yeah.

11                  CHAIRMAN WALLACE: I'm sorry to  
12                  interrupt, but did you keep track of what zoning  
13                  districts these various boxes are located in?

14                  MR. O'ROURKE: I did. I know what  
15                  site all these are on.

16                  CHAIRMAN WALLACE: Okay.

17                  MR. O'ROURKE: I didn't want to throw  
18                  that in the public record just to make sure that  
19                  people, you know, were aware of it before we  
20                  started saying what property it was.

21                  CHAIRMAN WALLACE: Well, not really  
22                  the specific property but --

23                  MR. O'ROURKE: Yeah.

24                  CHAIRMAN WALLACE: -- the actual

1 districts.

2 MR. O'ROURKE: I do.

3 CHAIRMAN WALLACE: Okay.

4 MR. O'ROURKE: We did keep track of  
5 that.

6 On the west side of town, you know, it's  
7 kind of the same story. Mostly in the commercial  
8 areas, there's just sort of boxes placed in  
9 parking spaces, next to buildings. This one is  
10 actually on the back corner where a sidewalk is  
11 supposed to go around the back of the building.  
12 You can see it kind of completely blocks the  
13 sidewalk.

14 This one here is a little bit concerning.  
15 It's actually in the sight triangle when you pull  
16 up to a stop sign. The only way I could safely  
17 take this is from my car is to just kind of lean  
18 out the window and snap that. That's literally a  
19 picture from my car. You can see you can't  
20 really see down the road if you're making a left  
21 turn.

22 So we looked at these boxes, and we looked  
23 at what other communities do. You know, we kind  
24 of expanded our search beyond the normal

1 characters we always analyze. Not a lot of the  
2 local communities have ordinance regulations in  
3 place either. They're working on them.

4 When we did that, you know, we found some  
5 sort of common themes with all these, and what we  
6 did was try to adapt that for what's best for  
7 what we think here in St. Charles. Here's a list  
8 of them.

9 I don't know if I need to read all of  
10 these, but some of the finer points -- what we're  
11 proposing is that they be permitted as an  
12 accessory use, so there's no permit required.  
13 You're allowed to do it in these guidelines in  
14 the BL, BC, BR, PL, and OR Zoning Districts.  
15 That's where the majority of these were  
16 concentrated, and those are also the bigger  
17 commercial properties where -- you know, when I  
18 did this windshield survey, it really seemed like  
19 those were the places they fit best.

20 There's one in an apartment complex that's  
21 kind of tacked in the back, and it gets in the  
22 way. Some of these other properties -- I can go  
23 back a slide -- you know, these kind of placement  
24 issues, it's a big problem. Even in the

1 residential districts, that gets to be a little  
2 harder to get around.

3 Some of the other highlights were saying  
4 that one is allowed on any individual zoning lot,  
5 and if it's a shopping center, so multiple  
6 buildings, you know, a larger strip, three would  
7 be allowed within that shopping center.

8 They're not going to be permitted in the  
9 front or exterior side yard, the sight triangle.  
10 They can't be located on the sidewalks. They  
11 can't be in the public right-of-ways or on  
12 easements.

13 One of the things we found in other  
14 ordinances we really wanted to have is you have  
15 to post the pickup times. So if we do see  
16 garbage stacked there, we know if you're failing  
17 to meet your obligation, and also that the  
18 contact information for each box has to be listed  
19 on the box so that we know who to contact.

20 The other portion of this amendment is just  
21 a simple definition of these containers. We  
22 wanted to ensure that somebody couldn't put a  
23 large dumpster, for instance, you know, and just  
24 say it's a donation box and stack it up, you

1 know, for weeks on end and have these things pile  
2 up. So we wrote a definition that hopefully  
3 seeks to kind of narrow that down so we know  
4 where it is.

5 Just for reference, here's kind of a matrix  
6 that was included in the packet that was sent out  
7 last week that kind of summarizes what other  
8 communities do. A lot of them are similar. One  
9 of the ones that is on here that we chose not to  
10 include was size limits. The majority of these  
11 communities require a permit for such boxes.

12 The way St. Charles operates, we've never  
13 done it for these types of items, and there's  
14 concern about having the manpower to do that and  
15 really if it would work. I talked to Bob Vann,  
16 who is the building and code enforcement  
17 division manager, about that, and he said, Yeah,  
18 without a permit, there's not a whole lot of  
19 point in checking size until there's an issue  
20 because we won't know it's out there anyway.

21 The size requirement just -- it really  
22 didn't seem to fit with what we were trying to  
23 create in this regulation. You could always put  
24 it in there, and that's something for the Plan

1 Commission to consider in their recommendation.  
2 We just felt based on our process that it didn't  
3 work.

4 Just a couple of general questions that we  
5 had for staff, and, of course, any others that  
6 might come up is: Should these zoning boxes be  
7 allowed in downtown zoning districts? There is  
8 one currently in the downtown area.

9 Should the donation boxes be allowed in  
10 places of worship, residential districts?

11 Should the donation boxes be limited in  
12 size? Which I briefly mentioned, and anything  
13 else that you might have for us.

14 That kind of concludes my formal  
15 presentation. I'll take any questions.

16 CHAIRMAN WALLACE: Questions from  
17 Plan commissioners?

18 MEMBER SCHUETZ: Yes. I have a few  
19 general ones.

20 Do all these donation -- I mean, I've seen  
21 donation boxes, but do they all have lids on  
22 them?

23 MR. O'ROURKE: Yeah. Every one that  
24 I observed either in St. Charles or not, and I

1 can go back to those pictures. They all seem to  
2 have this enclosed shape. They almost look like  
3 they're pretty standard in their size, that  
4 somebody makes them for this purpose, and they  
5 all have some sort of mailbox slit, I'll call it,  
6 where you drop the items in. All the ones that I  
7 observed. That's not to say that others don't  
8 exist that don't have that, but I haven't seen  
9 any.

10 MEMBER SCHUETZ: So all these here  
11 somebody just -- some company that wants to get  
12 donations will just drop a box probably somewhere  
13 and talk to the owner of the building and say we  
14 want to put one in your parking lot?

15 MR. O'ROURKE: Yeah. We're assuming  
16 that's what happens. Part of this ordinance  
17 amendment is that should there be an issue, you  
18 know, in the code enforcement, staff has to say  
19 that they need to produce a note of written  
20 permission from the owner that says they're  
21 allowed to do that.

22 MEMBER SCHUETZ: From the colors, it  
23 looks like they're similar, maybe one or two  
24 companies.

1                   MR. O'ROURKE: Yeah. There is  
2                   definitely some overlap in town. I know the  
3                   clothes and donation of these blue boxes were  
4                   pretty common.

5                   Some of these, though, the colors look  
6                   similar, but when you really look at them,  
7                   there's different names. Like this is a similar  
8                   white and red, you know, to this, but it's a  
9                   different company.

10                  MEMBER PRETZ: I'm under the  
11                  impression that these are more -- maybe it's too  
12                  broad of a statement, but for-profit type  
13                  collection because I'm not seeing any  
14                  organization that is appearing on these boxes  
15                  other than company names.

16                  MR. O'ROURKE: Yeah. There is a mix.  
17                  You know, I didn't run any numbers to see if it  
18                  was more favored toward for-profit or nonprofit  
19                  entities. I do know that nonprofit entities do  
20                  have these, and they do locate them around  
21                  different towns, different municipalities.

22                  MEMBER KESSLER: I don't think  
23                  there's very many of them that are nonprofit  
24                  though.

1 MR. O'ROURKE: I didn't see a lot.

2 MEMBER KESSLER: Wouldn't this have  
3 something to do with, you know, the sign  
4 ordinance? I mean, it would seem to me that we  
5 have ordinances about how many signs you can put  
6 on a window and if you can park a vehicle with a  
7 sign on it out in front.

8 MR. O'ROURKE: Yeah.

9 MEMBER KESSLER: This is a  
10 semipermanent advertisement.

11 MR. O'ROURKE: That's true, and staff  
12 didn't look at it that way. We looked at it as  
13 kind of a self-contained accessory use similar to  
14 a dumpster, a trash enclosure, something like  
15 that. That's why we put it in the general  
16 provisions. That's where those types of  
17 requirements go.

18 MEMBER AMATANGELO: Do you have an  
19 option to eliminate them completely?

20 MR. O'ROURKE: That's certainly an  
21 option. If the Plan Commission feels that that's  
22 the recommendation that they would like to  
23 forward to the City Council, that's certainly  
24 well within your --

1                   MEMBER AMATANGELO: We do have  
2                   Goodwill and the Salvation Army already here in  
3                   town, and they have drop-off times, so you know.

4                   MR. O'ROURKE: Sure.

5                   MEMBER KESSLER: Did you ask about  
6                   churches? I mean, I know of three churches that  
7                   have standard drop-offs for donations every  
8                   weekend.

9                   So, I mean, the fact that these donation  
10                  boxes -- the fact is most of these are for-profit  
11                  anyway. It seems to me it's more of a  
12                  business --

13                  MEMBER SCHUETZ: Right.

14                  MEMBER KESSLER: -- sitting out on  
15                  the street than it is anything else.

16                  MEMBER SCHUETZ: Right.

17                  MR. O'ROURKE: Sure.

18                  MEMBER KESSLER: It's a great way to  
19                  make some extra cash.

20                  MR. O'ROURKE: If that's the  
21                  direction that everybody, you know, agrees with,  
22                  we can certainly forward that. There are other  
23                  municipalities that are doing that. I know  
24                  Schaumburg for one did, and Geneva is considering

1           it currently.

2                         MEMBER SCHUETZ: I think that's a  
3           good point. We're bringing it up now before it  
4           gets out of hand. It looks like it's already out  
5           of hand, but Tim brings up a good point. You  
6           know, in our church every Sunday there is  
7           somebody that just waits, and we just hand things  
8           to that person, you know, basically. Isn't that  
9           how we do it? And that suffices, and like Sue  
10          says, we've got Goodwill, and we've got all kinds  
11          of options.

12                        MEMBER KESSLER: You know, maybe  
13          eliminating them completely, people may consider  
14          too extreme, but then I think they need to be  
15          even more limited than they are now to a certain  
16          extent. If people -- for example, if we wanted  
17          to recycle electronics, you can go online and you  
18          look up electronics, and it says it happens on  
19          the second Saturday of every month from 8:00 to  
20          2:00 behind the City clerk's building.

21                        This is sort of the same thing and needs to  
22          happen in town. There should be a designated  
23          place, one place, maybe two, that these boxes  
24          could be located at and you could go to and make

1 a donation.

2 MEMBER AMATANGELO: The majority of  
3 these boxes actually say clothes and shoes.

4 MEMBER KESSLER: Pardon me?

5 MEMBER AMATANGELO: The majority of  
6 these boxes say they're just looking for clothes  
7 and shoes basically. So I don't know that they  
8 would even accept electronics.

9 MEMBER SCHUETZ: No. Tim's  
10 suggestion is that it's a forced issue. You have  
11 one opportunity.

12 MEMBER KESSLER: You have to go to  
13 one place during a certain time. Why couldn't  
14 these do the same thing?

15 MEMBER AMATANGELO: Right.

16 MEMBER KESSLER: I agree with you.

17 MR. O'ROURKE: Some of these are for  
18 books too. I mean, it wasn't all just clothes  
19 and donations.

20 But just to clarify your point, Tim, you  
21 were thinking restrict the number of zoning  
22 districts it would be allowed in if it moves  
23 forward instead of --

24 MEMBER KESSLER: Perhaps, yeah.

1 MR. O'ROURKE: Okay. I just wanted  
2 to make sure.

3 MEMBER SCHUETZ: Or more severe, like  
4 you were suggesting, you know, maybe a couple  
5 places in town in a very limited space.

6 MR. O'ROURKE: From a zoning  
7 perspective, I don't know if that would work.  
8 You know, we have to go by zoning districts, and  
9 we have to treat everybody within the zoning  
10 districts fairly.

11 MEMBER SCHUETZ: Just get rid of  
12 them.

13 MEMBER KESSLER: I wouldn't feel so  
14 strongly if they weren't for profit.

15 MEMBER SCHUETZ: Right. Exactly.

16 MEMBER DOYLE: Do we know this for a  
17 fact, that they are for profit?

18 MR. O'ROURKE: There's a mixture.

19 MEMBER KESSLER: My question -- my  
20 original question would be what makes it a  
21 donation box? I mean, anybody that puts a box  
22 out, or is it a not-for-profit entity?

23 MR. O'ROURKE: I certainly understand  
24 your point. I guess, to me if you're proposing a

1 regulation that allows these in some way or form,  
2 you can't really start drawing a line by the who.  
3 You know, it's just like commercial signage. You  
4 can't tell this property they can have a sign  
5 that says X, Y, Z and then tell another property  
6 they can't. So in terms of regulating it that  
7 way, I don't know if we want to go down that  
8 path.

9 CHAIRMAN WALLACE: What do you think  
10 about the idea of permitting it on properties  
11 that are, let's say, exempt from property tax  
12 for -- you know, filed an exemption for property  
13 tax in the state of Illinois or something like  
14 that?

15 MEMBER SCHUETZ: Churches.

16 CHAIRMAN WALLACE: Churches,  
17 not-for-profits.

18 MR. O'ROURKE: Only allowing on  
19 properties that don't pay any taxes?

20 CHAIRMAN WALLACE: Well, I mean,  
21 that's the only way really to --

22 MR. O'ROURKE: Yeah, I know --

23 CHAIRMAN WALLACE: The Salvation  
24 Army.

1                   MEMBER KESSLER: Okay. Like the  
2                   Goodwill store, that's not a not-for-profit.  
3                   That's a for-profit.

4                   CHAIRMAN WALLACE: Okay.

5                   MR. O'ROURKE: That I'd have to look  
6                   into. I'm not sure if there's legal  
7                   ramifications.

8                   CHAIRMAN WALLACE: I don't think with  
9                   the structure of our existing zoning ordinance  
10                  we'd be able to do it that way because it doesn't  
11                  match up to the specific zoning district.

12                  MR. O'ROURKE: Right. Except for PL,  
13                  a lot of the churches and other nonprofits are in  
14                  PL.

15                  CHAIRMAN WALLACE: Okay. Yeah,  
16                  that's true.

17                  Any other questions?

18                  MEMBER DOYLE: Yes. So I'll come  
19                  back to the zones you just mentioned, Matt.

20                  Two things -- one is A-4 on your proposed  
21                  language, "shall not be located in the front or  
22                  exterior side yard parking or building setback of  
23                  any property."

24                  MR. O'ROURKE: Yeah.

1                   MEMBER DOYLE: Could you just explain  
2                   what that means?

3                   MR. O'ROURKE: Yeah. The way I first  
4                   wrote the draft, it just said can't be in the  
5                   exterior front-yard setback, but then when I  
6                   realized the majority of the buildings -- or  
7                   excuse me -- the commercial zoning districts  
8                   especially, there's different numbers. Your  
9                   parking setback in one zoning district might be  
10                  10 feet and the building setback is 20.

11                  So we're just trying to clarify it's not  
12                  allowed in either. So if the building setback is  
13                  20, it has to be 20 or further away from the  
14                  street.

15                  MEMBER DOYLE: Okay.

16                  MR. O'ROURKE: So it can't be 10  
17                  because that's the parking. So it's just a point  
18                  of clarity is all.

19                  MEMBER DOYLE: So it can't be in the  
20                  setback.

21                  MR. O'ROURKE: Right. For parking  
22                  spaces or building since our zoning ordinance  
23                  does bifurcate those in certain districts.

24                  MEMBER DOYLE: Then we say that it

1 shall not -- shall be located so that they are  
2 inconspicuous from the public right-of-way.

3 So if A-10 -- or I'm sorry -- A-9 was not  
4 there, then so long as it wasn't impeding  
5 pedestrian or vehicular traffic, you could have  
6 it on the front side of the building, in the  
7 front lot somewhere, but the thing is it can't be  
8 in a stall.

9 MR. O'ROURKE: Right.

10 MEMBER DOYLE: It can't impede  
11 vehicular traffic or --

12 MR. O'ROURKE: Pedestrian traffic.

13 MEMBER DOYLE: -- pedestrian traffic.  
14 It has to be on a flat surface.

15 Now, I'm just sort of wondering where many  
16 of these would go once -- you know, I think that  
17 we may not need to go -- the thing is there is a  
18 comment here, but I wonder if we need to go so  
19 far as to limit them.

20 MR. O'ROURKE: You know, this is  
21 probably a good example here. This would not be  
22 in the setback. It is off the public  
23 right-of-way, but it's far enough away. It's  
24 kind of tucked here next to these trash dumpsters

1           because that's what this enclosure is. So I  
2           mean, there are ways to do it instead of, you  
3           know, these that are hanging right out in the  
4           front of the parking lot was the intent.

5                       MEMBER DOYLE: The one at the center  
6           top.

7                       MR. O'ROURKE: Yeah.

8                       MEMBER DOYLE: That one looks like it  
9           would be allowed. It's on the concrete surface.  
10          It doesn't look to be impeding pedestrian  
11          traffic. The question is whether it is  
12          conspicuous from the public right-of-way.

13                      MR. O'ROURKE: That's correct.

14                      MEMBER KESSLER: Which one are you  
15          talking about, Brian?

16                      MR. O'ROURKE: This one right here.

17                      MEMBER DOYLE: That's the center top  
18          one.

19                      MR. O'ROURKE: This is actually in  
20          the zoning district that we're not proposing they  
21          be allowed.

22                      MEMBER DOYLE: Okay.

23                      MR. O'ROURKE: This is in the  
24          downtown area.

1                   MEMBER DOYLE:  So I'm trying to --  
2                   I'm trying to understand what the effects of the  
3                   various clauses here would be.  It seems like  
4                   this would eliminate many of the problems that  
5                   you've displayed in your photographs.  Am I  
6                   correct?

7                   MR. O'ROURKE:  I think that's right,  
8                   and it was -- we looked at the zoning ordinance  
9                   amendment and said, you know, how do we, quite  
10                  frankly, prevent this from happening.  Because  
11                  this wouldn't be in a front setback, but, you  
12                  know, it's just kind of strewn here on the grass.  
13                  So we came up with the hard surface that's  
14                  between two lots.

15                  Yeah.  We wanted to avoid these types of  
16                  situations or this.

17                  MEMBER DOYLE:  Yeah.

18                  MR. O'ROURKE:  I mean, yeah, we wrote  
19                  it, and the inconspicuous thought was that we  
20                  didn't want to go so far as to say it's like a  
21                  trash enclosure and you have to screen it all  
22                  four sides 100 percent opaque.  You know, we  
23                  wanted to get away from that.  So at least, you  
24                  know, you could put them in hopefully somewhere

1           where they'd be seen. Because if you're going to  
2           allow them, you might as well -- people need to  
3           know where they are.

4                   MEMBER DOYLE: I want to point out  
5           that there is one typo in the draft that we have.  
6           A-5, should be boxes shall not be located within  
7           the required sight triangle.

8                   MR. O'ROURKE: Yeah. That's a  
9           correction we'll have to make.

10                   MEMBER DOYLE: And PL is public land?

11                   MR. O'ROURKE: Correct.

12                   MEMBER DOYLE: Okay. Todd, can I  
13           make a comment then?

14                   CHAIRMAN WALLACE: Okay.

15                   MEMBER DOYLE: So I'd like to just  
16           respond to one thing about designated locations  
17           like Goodwill where people can go to drop off  
18           their goods.

19                   The one concern I have, one of these, a  
20           couple of these boxes are near my house on  
21           Randall Road and Prairie, and there may be  
22           residents in town who don't have cars, who don't  
23           have access to automobiles to be able to take  
24           things to Goodwill or take things across town;

1 and with the restrictions that we have and  
2 particularly with the requirement that there be  
3 written permission of the property owner, I would  
4 advocate for taking the step approach to this and  
5 seeing if these -- if these revisions to the code  
6 rectify the problem and still provide a small  
7 window of appropriate use for the companies and  
8 not require people to basically get in their car  
9 and drive across town.

10 MEMBER KESSLER: That's a good point.

11 I'm just concerned that we have -- we have  
12 such -- we have stricter codes for people in  
13 business regarding their signage and their  
14 locations and how they can advertise and what  
15 districts certain uses can be in, and these are  
16 businesses that are being able to say, well,  
17 guess what, I have a use. I sell clothes at  
18 Goodwill downtown. I don't have to meet any of  
19 the requirements that Goodwill does in their  
20 store, and I can set boxes pretty much anywhere.

21 I'm not sure that this goes far enough.  
22 The crazy thing I'm looking at here is these are  
23 parking stalls. How do we know those two parking  
24 spaces aren't going to make that property

1 noncompliant with parking?

2 MEMBER DOYLE: Well, they can't be  
3 with the new -- they can't be in the stalls.

4 MR. O'ROURKE: Yeah. That's part of  
5 the ordinance that they cannot be located in a  
6 parking stall.

7 MEMBER DOYLE: A-6 would prohibit  
8 that.

9 MEMBER KESSLER: 6. Okay. But I  
10 just know -- and I also believe that -- this is  
11 something that has bothered me for a long time.  
12 25, 30 years ago, I have to believe that many of  
13 these boxes were not-for-profit. We grew up  
14 believing these were not-for-profit, and I think  
15 these companies are -- by default, people  
16 consider them not-for-profit and don't realize  
17 they're for-profit.

18 I think that's a little -- there's no  
19 requirements for this business. This is a  
20 company -- this is a business that can come into  
21 town. They don't even have to be located here.  
22 They can come into our town. They can set up  
23 shop, and we give them a little bit of -- you  
24 know, well, you can't do it quite like this.

1                   But if you're in that business, you've got  
2                   to meet the zoning requirements, you've got to  
3                   meet the sign code, you've got to meet -- I mean,  
4                   you've got to meet everything, and they don't.  
5                   Coupled with the fact it has gotten out of hand,  
6                   I don't think they have as much concern as we do.

7                   So I'm not opposed to some steps, but I  
8                   don't think what you've proposed has gone far  
9                   enough.

10                   CHAIRMAN WALLACE: Yeah.

11                   MEMBER DOYLE: I would say that  
12                   A-1 -- you know, I don't know. I mean, if I were  
13                   a property owner and someone comes to me and  
14                   says, can I put this box on your property? You  
15                   know, my first thought would be sure. What kind  
16                   of lease arrangement would you like?

17                   MEMBER KESSLER: I'm sure many of  
18                   them do.

19                   MEMBER DOYLE: So, you know, one of  
20                   my concerns is what's the basis for us to  
21                   restrict a property owner's right to use their  
22                   property in the manner that -- I guess, I need to  
23                   be convinced that there's a public nuisance here  
24                   in order to recommend that we just ban them

1           outright.

2                   I think that there's -- that it's good to  
3           put some rules on it and to make certain that it  
4           doesn't get out of hand, but I need to be  
5           convinced to go the extra step that it really is  
6           a nuisance.

7                   CHAIRMAN WALLACE:   Yeah.

8                   MEMBER SCHUETZ:   A comment, Brian,  
9           you bring up a really good point as far as some  
10          people might not have transportation; however,  
11          you can call any of these -- Goodwill, Amvets --  
12          and they will come to your home.  My parents do  
13          it.  They're in their upper 80s.  My  
14          mother-in-law does it.  So I'm going to disagree.

15                  MEMBER DOYLE:   Okay.

16                  MEMBER SCHUETZ:   And then there was  
17          something else.

18                  Who is going to monitor this?  If we were  
19          to try to put in some strong provisions, who  
20          would monitor this?

21                  MR. O'ROURKE:   Therein, you know,  
22          lies the issue with a lot of the ordinance  
23          amendments in St. Charles when it relates to  
24          something of this nature.  Typically, you know,

1 and Bob Vann and I did talk about this, it's Rob,  
2 and if he gets a complaint, he goes and looks and  
3 sees if it meets the requirements. If they  
4 don't, you know, he tells them what they have to  
5 do to be in conformance with the requirements,  
6 but a lot of it is based on complaints that the  
7 City receives.

8 Some of it, and these are a little more  
9 visible, you know, Rob is out and about, so he  
10 might see it and notify the property owners.  
11 It's a combination of both.

12 MEMBER SCHUETZ: One person is not  
13 going to be able to monitor this.

14 MR. O'ROURKE: Rob does a great job.

15 MEMBER SCHUETZ: Well, I'm not saying  
16 he doesn't, but, I mean, it could be overwhelming  
17 with everything else that he's got to do. So I  
18 still think that it should be super strict or I  
19 don't see a need for them.

20 CHAIRMAN WALLACE: Matt, let me  
21 just -- can I ask one question, Sue, first?

22 MEMBER AMATANGELO: That's okay.

23 CHAIRMAN WALLACE: Okay. When a  
24 complaint comes in regarding these right now,

1 does the City have any way of knowing who the  
2 various boxes belong to?

3 MR. O'ROURKE: For the majority of  
4 them, there is contact information on the box.

5 CHAIRMAN WALLACE: Okay.

6 MR. O'ROURKE: So that seems to be  
7 kind of a standard practice these days.

8 CHAIRMAN WALLACE: But as of right  
9 now, there's no registration.

10 MR. O'ROURKE: No.

11 CHAIRMAN WALLACE: I mean, would it  
12 be possible to contact the property owner and  
13 determine who owns the box? Is that --

14 MR. O'ROURKE: I know that Bob Vann  
15 has said that that's what they have done in  
16 certain instances when it's -- especially when  
17 the trash is building up.

18 CHAIRMAN WALLACE: Okay.

19 MR. O'ROURKE: That's more of a  
20 public nuisance issue, so they'd notify property  
21 owners that that's an issue.

22 CHAIRMAN WALLACE: One of the things  
23 that I'm looking at on your community comparison  
24 attachment was actually the -- basically the

1 format that I like is Naperville's, and the first  
2 thing on this chart is that a permit is required.

3 Do you have any knowledge from looking at  
4 their ordinance what the permitting process is  
5 and who is in charge of that?

6 MR. O'ROURKE: You apply through  
7 their building department.

8 CHAIRMAN WALLACE: Okay.

9 MR. O'ROURKE: I do know that. I  
10 don't know if it's a lengthy review or if it's on  
11 the spot. I didn't go into that level of detail.

12 CHAIRMAN WALLACE: Okay.

13 MR. O'ROURKE: This is something the  
14 City has traditionally not tried to permit.

15 CHAIRMAN WALLACE: Okay.

16 MR. O'ROURKE: That's been the policy  
17 at least as long as I've been here, to stay away  
18 from permitting all these small, little issues.

19 CHAIRMAN WALLACE: I think we may  
20 have the answer coming up, but let's -- Sue, go  
21 ahead.

22 MEMBER AMATANGELO: That was my  
23 question.

24 CHAIRMAN WALLACE: All right. If

1           there aren't any other questions, would you like  
2           to give testimony?

3                       MR. CAVALLARO:    Sure.

4                       CHAIRMAN WALLACE:  All right.  If you  
5           can just state your name.

6                       MR. CAVALLARO:  Yeah.  I gave her my  
7           card too.  I'm Carlo Cavallaro.  I'm director of  
8           governmental affairs and senior legal counsel for  
9           USAgain.  We are a textile recycling firm.  I  
10          have a packet of information I want to hand out  
11          to all you guys.

12                      CHAIRMAN WALLACE:  Okay.

13                      MEMBER SCHUETZ:  I didn't understand.  
14          Who are you?

15                      MR. CAVALLARO:  With USAgain.

16                      MEMBER SCHUETZ:  What is that?

17                      MR. CAVALLARO:  We are the green bins  
18          in the center.

19                      MEMBER SCHUETZ:  Okay.

20                      MR. CAVALLARO:  We're a textile  
21          recycling firm.  We're in West Chicago.

22                      MEMBER KESSLER:  Textiles, that's the  
23          term used?

24                      MR. CAVALLARO:  Uh-huh.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

CHAIRMAN WALLACE: Okay. Just for the record, we have a packet from USAgain entitled, "Clothes and Shoes Collection System," and the packet in its entirety, after we receive some testimony on it, will be marked as Exhibit A and made a part of the record.

Any objections?

(No response.)

CHAIRMAN WALLACE: All right. Go ahead.

MR. CAVALLARO: Just quickly, I can explain what Exhibit A has in it. You have on the left-hand side, if you open it up, there's a couple brochures that we use. There's an EPA fact sheet which I'll speak specifically to. There's also a national association which provides standards of code of conduct.

There is a newspaper which we produced which it's actually a very good piece. It speaks to the world of secondhand clothes and used clothes and what these -- what every one of these operators generally do in its industry as well as the larger thrift stores.

1           The right-hand side has just some  
2           commentary, some of our partnerships that we have  
3           around the country, many of them locally, with  
4           just comments that they provided. There's a  
5           presentation that we gave to the City Managers  
6           Association Conference last September about  
7           charting a course to zero waste, and then there's  
8           two -- the Naperville ordinance and the Wheaton  
9           ordinance are attached in there.

10           Much of this information I had sent to the  
11           mayor and the administrator several months back  
12           in response to seeing some of the proliferation  
13           of the bins and the placements, anticipating that  
14           this issue should be addressed and brought up --  
15           just to speak to what these industries do and why  
16           there is a need for the collection of textiles  
17           and through the bins.

18           However you view it as a society or the  
19           options available, I mean, there's -- whether you  
20           think of one business or another there's -- you  
21           know you don't have one pizza shop in town, one  
22           grocery store, et cetera. It's the option.

23           I think as Mr. Doyle pointed out, the  
24           convenience factor really drives a lot of this.

1 I understand, and I hear every time we present  
2 this Goodwill, Salvation Army, the nonprofit, the  
3 churches. I'd put it to you this way. I think I  
4 give -- my family donates our clothes or gives  
5 away or trashes their clothes in the same way as  
6 a lot of people do -- suits, dress clothes, Suits  
7 for Success; the other items for the kids, the  
8 orphanage. I live up north where there is one  
9 close by. You give to the church for the coat  
10 drive, et cetera, et cetera.

11 But the vast array of stuff, there's one of  
12 our bins at the local elementary school in my  
13 neighborhood. So the other stuff, it's just easy  
14 when you're cleaning out the closet, you  
15 designate the stuff to go in the bin.

16 There's items that they're not going to  
17 sell or resell. 50 percent of all the stuff  
18 that's collected through these wholesale means  
19 are resold through these thrift stores around the  
20 country. You sell in wholesale or they buy in  
21 wholesale so they can adequately stock their  
22 retail stores with the variety and the quality of  
23 clothes they need.

24 MEMBER KESSLER: You mean like a

1 Goodwill or something like that?

2 MR. CAVALLARO: Goodwill buys very  
3 sparingly. Mostly what they started doing is  
4 they -- you've seen an increase in their retail  
5 presence. They've got stores in virtually every  
6 town. So what they do is they do that process  
7 themselves. So what comes in St. Charles,  
8 there's a sorting and -- the semis you see  
9 running around the tollways and whatnot, they're  
10 redistributing those clothes around --

11 MEMBER KESSLER: Do thrift stores buy  
12 your products?

13 MR. CAVALLARO: Thrift stores?

14 MEMBER KESSLER: What thrift stores  
15 buy your products?

16 MR. CAVALLARO: We actually sell to a  
17 wholesale. So there's all sorts of independent  
18 thrift stores.

19 MEMBER KESSLER: Name some.

20 MR. CAVALLARO: Well, Savers is one  
21 specifically. They just -- actually they're a  
22 site of where it's sort of, you know, perversely  
23 humorous that these other operators have dropped  
24 bins at Savers' store where they're -- you know,

1 where that's what Savers will be doing as well.

2 Savers is -- I mean, I don't know if they  
3 came before you, but Savers is the size of a  
4 Goodwill or bigger. They went into the old  
5 Toys R Us. That's all secondhand clothes. So  
6 repeatedly on a monthly basis of our 11  
7 divisions, you have entire trailer loads being  
8 shipped directly to a Savers' store.

9 Savers kind of is a great example to give  
10 you on how the entire industry works. They take  
11 the loose materials. They sort by grade and what  
12 type of clothes they want. They rack what they  
13 want to sell there. The rest of the materials  
14 are put in a trailer that's always at their dock  
15 and sold through the other half.

16 I told you about the 50 percent that goes  
17 to thrift stores. The other 50 percent is pretty  
18 much divided evenly between recycled materials,  
19 meaning truly recycled. Menards is now selling  
20 the denim insulation you're seeing, so that's one  
21 easy example. The other stuff is sound  
22 insulation for your cars and our appliances.

23 Then the other 25 percent goes  
24 internationally because things we won't even buy

1 at a thrift store, if you have one T-shirt, a  
2 second T-shirt no matter what its condition is  
3 fine if you're living in Africa or South America  
4 or whatever third world country. So that's the  
5 general market that you have.

6 The reason I mention the EPA sheet  
7 specifically -- and, Mr. Kessler, I really -- the  
8 electronic e-waste, the challenge that the State  
9 imposed on the local government by, you know,  
10 banning the waste, what do we do and how do we  
11 collect it, and there's many more items that are  
12 coming down the pipe that are in our waste stream  
13 that are commoditized, that can be commoditized.

14 This is an example of clothes and shoes  
15 that shows that, and this is a business model  
16 that works in that regard. Whether you're  
17 willing to designate specific sites, this is sort  
18 of a self-selection of those sites.

19 I should have begun with the fact that we  
20 advocate the adoption of the same regulations  
21 that have been before you. The Naperville  
22 ordinance I worked on for about a year and passed  
23 that just about a year ago. So that you are  
24 required to show that you have permission with

1 the property owners so that you're there, you're  
2 not taking up a required parking space, and you  
3 know the definition of the required parking  
4 spaces, the number or the required handicapped  
5 stalls, et cetera.

6 Sight lines, setbacks -- the signage issue  
7 actually was addressed in the Naperville  
8 ordinance, and with the signing of it -- the  
9 lettering of it, it fits with all the sign  
10 ordinances that I have been presented with.

11 I'm assuming they, knowing the standards,  
12 generally follow suit. They'd probably fit  
13 within yours. The size and the type of the font  
14 and the message that's on the bin gets reported,  
15 and then that location counts as -- I promised  
16 the chairman I'd go through -- so let me digress.

17 Naperville has a permit requirement.  
18 There's a one-sheet permit that shows the  
19 address, the property owner's name and contact  
20 information, the operator's name and contact  
21 information. We sign off on that.

22 There's a fee. It's \$221. I don't know  
23 the breakdown and why it comes to that, but  
24 that's what it is. There's three things.

1           So you provide proof of authorization. We  
2           use sign -- we have a promise letter or with the  
3           larger retail centers, we'll have agreements with  
4           Inland, Kimco, Centro, whoever owns the shopping  
5           center, manager or owner. We would attach a copy  
6           of that contract, and then you'd do -- we have a  
7           schematic that shows the picture of the exact bin  
8           and then all the text on it for the requirements  
9           of the no dumping, the 24-hour response number,  
10          et cetera. All those conditions that are in the  
11          ordinance.

12           Then we do a Google -- I was explaining  
13           this to Russell earlier. We use a Google Earth  
14           image to show the square footage of the building  
15           so we know how to count the parking spaces. We  
16           give them the total parking spaces that are  
17           there. We mark specifically exactly where the  
18           bin would be placed.

19           Then if need be, we show them -- we can  
20           give them like street-view pictures to show that,  
21           Hey, the Google Earth image is five years old.  
22           This is the screening. This is the berm,  
23           et cetera. So they can see it is -- you know,  
24           what it's going to look like when it's in place.

1                   It's done -- it's not over the counter  
2                   because therein lies the burden. I don't think  
3                   we expect that or advocate that. They have  
4                   turned them around in, you know, three to four  
5                   days. Comments come back, we reply via e-mail  
6                   and answer their questions or move the location  
7                   if they determine that, whatever they've needed.

8                   But I think they commit to, is it a 10 -- I  
9                   think it's 10 business days or 14 days. It's  
10                  roughly the same period, but that's their  
11                  committed response review time.

12                  But we get the agreement, we submit the  
13                  permit, issue it -- when they issue it, that's  
14                  when you place the bin. That's not -- I mean, I  
15                  know when you implement the regulations going  
16                  forward, we still submitted them, and they gave  
17                  us -- I think everyone had 30 or 60 days to make  
18                  sure their permits were in and issued, or the  
19                  bins if they didn't comply -- the downtown  
20                  districts in Naperville were clearly restricted  
21                  so are Wheaton's. So those that were there were  
22                  removed.

23                                   CHAIRMAN WALLACE: Do you know what  
24                                   the B4, B5, and TU districts in Naperville are?

1                   MR. CAVALLARO: Specifically, I'd  
2                   have to get the map, but it's --

3                   CHAIRMAN WALLACE: Do you know  
4                   generally?

5                   MR. CAVALLARO: -- outside the  
6                   downtown area. It's all their -- so you're  
7                   talking all the residential -- not residential,  
8                   the retail.

9                   CHAIRMAN WALLACE: Actually, it says  
10                  that they will not be permitted in B4, B5, TU,  
11                  and any residential.

12                  MR. CAVALLARO: Well, let me put it  
13                  this way: We are on all the retail -- we can be  
14                  on all the retail strip centers, so between Naper  
15                  Boulevard, Washington, 59. I mean, I just know  
16                  generally. It's all their larger retail spaces.

17                  CHAIRMAN WALLACE: Okay.

18                  MR. CAVALLARO: So you're not going  
19                  to be in the industrial parks. You're not in the  
20                  residential districts. You're not in apartment  
21                  complexes. We actually had one where there's a  
22                  grocery store that was right abutting to it, and  
23                  I guess the grocery store either existed or fell  
24                  into that residential zoning district. So we

1           didn't -- the permit wasn't rejected. We just  
2           pulled it. We didn't know. It was right on the  
3           border. So we've had those issues come up and  
4           been addressed.

5                     Getting back to the reasons why or why  
6           there's a need, I sort of touched on the  
7           convenience aspect of it.

8                     The other thing is, you know, with the  
9           waste stream we have, you know, textiles, if you  
10          look at the EPA sheet, just the facts right in  
11          the center. We have 13 million tons of textiles  
12          generated, and this goes back to 2009. It's  
13          obviously going up. That's 5.2 percent of the  
14          entire municipal waste stream. We collect back  
15          only 15 percent of that, about 2 million tons in  
16          2011. So you've got roughly 13 tons going in and  
17          2 coming back out.

18                    So this process is really what shows you  
19          the convenience aspect to increase that recovery  
20          rate. When you add the easily commoditized  
21          nature of it and the abundance of these thrift  
22          stores, you know, you have Wings, Plato's Closet,  
23          Savers. Savers alone is a multibillion -- well,  
24          Goodwill is as well, but these are multibillion

1           dollar retail operations that are thriving on  
2           this secondhand clothes market, and I think it's  
3           going to continue to grow.

4                     You're pulling this stuff out of the  
5           landfill, which is good, and then you're  
6           recommoditizing it and creating jobs and  
7           everything else which is directly generated from  
8           that.

9                     Like I began with, you know, we're one of  
10          the key advocates for implementation of these  
11          reasonable regulations. We don't think they  
12          should be placed, you know, without permission  
13          nor that they shouldn't -- they should be  
14          maintained. You shouldn't have four operators.  
15          You know, one gets permission, and three others  
16          dump bins, you know, nearby. That's nothing  
17          anybody wants.

18                    We work with our property owners to  
19          maintain exclusivity so we end up being the only  
20          one there. All our bins match. You were exactly  
21          right in describing that they work like big  
22          mailboxes. So ours have a -- generally, most of  
23          ours have the handle, so as it goes in, it feeds  
24          it into it and then it closes.

1           They're all roughly generally the same  
2           size. There are several manufacturers, but they  
3           all seem to use the same designs. Ours are  
4           generally about a 4 1/2 by 4 1/2 foot square, and  
5           they're about 6 1/2 feet tall.

6           So those that did put size restrictions, I  
7           think, 30 square -- I'd have to look at -- 24 to  
8           30 square feet, so it's generous for what we use.

9           One comment on the multiple bins -- ours  
10          right there in the center, I believe, that's at  
11          the International House of Pancakes. The only  
12          rationale and reason why we put multiple bins is  
13          to manage the flow. We are literally right in  
14          West Chicago. We're at Hawthorne and Powis.

15          We maintain our bins on an as-needed basis.  
16          We track and report what is collected because we  
17          leave a revenue share for the site host. So we  
18          track the poundage that comes in there. We give  
19          them a revenue share based off of what we  
20          collect.

21          We also report that back to the community  
22          and to the owner and a certificate of  
23          sustainability to show how many pounds we've  
24          collected, the cubic yards of landfill space that

1 translates into, and then there's a greenhouse  
2 gas emission component. It's outlined in that  
3 PowerPoint as to how you'd come up with that  
4 calculation, the 7-to-1 ratio, but that's  
5 generally where it is.

6 Even in Naperville, the only thing -- the  
7 only variance to their ordinance that we were  
8 advocating was -- we appreciate the one operator,  
9 one bin per site, but if you end up trying to  
10 manage a flow because the overflow situation is  
11 the start of the nuisance, that if you find  
12 because of the flow and even if you visit it once  
13 a day, you can't keep up, the second bin solves  
14 that. That's the only reason we would advocate  
15 for a second bin.

16 And I'm not even asking for broadening of  
17 the scope. You have three for large retail  
18 centers. I'm just saying that if we come for a  
19 variance, we just want to -- just to have an open  
20 mind to the reason why anyone would be asking.

21 Really with that, if you have questions --  
22 I know you were talking nonprofit. We are  
23 for-profit. Most everyone is that do the bins.  
24 They do revenue shares of different natures. We

1           have our own corporate giving program. It's not  
2           a -- we're not a 501(c)(3), but we have a  
3           designated charity that we choose to support, and  
4           then many of our site hosts actually designate  
5           their revenue share to their charity of choice.

6                     We view this as an environmental, green  
7           recycling opportunity that's not paid for by the  
8           resident at the curb.

9                     CHAIRMAN WALLACE: Yes.

10                    MEMBER SCHUETZ: I have three  
11           questions. How does your company determine the  
12           number of units that are needed on each site?

13                    MR. CAVALLARO: On each site there is  
14           exactly that based on flow.

15                    MEMBER SCHUETZ: Based on one like  
16           IHOP?

17                    MR. CAVALLARO: Yeah. So -- I'm  
18           sorry.

19                    MEMBER SCHUETZ: Is that over a  
20           period of six months, or do you do it monthly?  
21           How do you determine that?

22                    MR. CAVALLARO: We monitor their --  
23           each bin is -- when I said "as-needed," each bin  
24           is generally visited within a week, within a

1           seven-day period, 5 to 6 days in general. We  
2           have some bins that are visited twice a day every  
3           day. It's just depending on the flow.

4           Because we monitor, we track it, we know  
5           with the seasonal flow, it's a -- they've been at  
6           this since 1999. Janice, our president, is here.  
7           They live in Geneva. So, you know, they've been  
8           coming up with a process. It's pretty sound.

9           We're probably -- we're the A example. We  
10          set the standard because of that. We're all  
11          employee-based. We have a fleet of branded  
12          trucks. Our employees are branded. I'm out  
13          there advocating for the adoption of these  
14          ordinances and regulations and have raised the  
15          bar for the entire industry.

16          Everyone in this state is capable of doing  
17          this. I think they just need a little push to  
18          be, you know, responsible. I think the first  
19          step is -- you know, the ordinance you've drafted  
20          solves almost all the issues.

21                   MEMBER SCHUETZ: Then when you do  
22          contact the business and you come to some  
23          agreement, who or how do you determine the  
24          location?

1                   MR. CAVALLARO: All of these  
2                   locations primarily are driven by the owner  
3                   because at that point we don't -- you know,  
4                   you're glad to get it for the business purposes,  
5                   but whether it's -- you know, where you place it,  
6                   we have some discretion, we try to give them some  
7                   guidance, but sometimes a lot of it is that's  
8                   where they want it.

9                   So the ordinance helps us in that regard as  
10                  well by saying, you know, maybe we do have to  
11                  walk away from a few sites because of the --  
12                  whether it's a zoning restriction or a site  
13                  restriction, you know, and that's fine. We'll do  
14                  that.

15                 MEMBER SCHUETZ: How long have you  
16                 been working with Naperville?

17                 MR. CAVALLARO: Naperville started --  
18                 I started last -- well, two summers ago. In  
19                 Naperville, the process began in -- well, in  
20                 earnest, we were having preliminary conversations  
21                 via email, phone, et cetera over the fall. They  
22                 put it on an agenda in February, and it was  
23                 passed before the council the second -- the first  
24                 meeting in -- I think it's dated May 15th.

1 MEMBER SCHUETZ: Meaning 2012?

2 MR. CAVALLARO: 2011.

3 MEMBER SCHUETZ: '11. Okay.

4 MR. CAVALLARO: Last year.

5 MEMBER SCHUETZ: How many of these  
6 bins do you have in Naperville?

7 MR. CAVALLARO: I'd have to count. I  
8 think we've submitted -- I think we have maybe  
9 10, 10 sites.

10 MEMBER SCHUETZ: In the whole city,  
11 10 sites, but how many -- how many is on a site?

12 MR. CAVALLARO: We don't have any  
13 duplicates. We haven't needed any. We have  
14 managed it through -- we were able to manage it  
15 through service calls, changing the service  
16 routes.

17 MEMBER SCHUETZ: This one in the  
18 center here is three.

19 MR. CAVALLARO: Right. It performs  
20 very well. I mean, we could --

21 MEMBER SCHUETZ: Do you count that as  
22 one or you count that as three?

23 MR. CAVALLARO: Oh, no, no, that's  
24 three bins.

1                   MEMBER SCHUETZ: Okay.

2                   MR. CAVALLARO: Yeah. It's one site,  
3 three bins.

4                   I'm telling you in Naperville, there's one  
5 single bin in every site we have. There is not  
6 multiples because we haven't -- the one place  
7 where we were getting volume, we were able to  
8 redo the routes to make sure we could visit it  
9 every other day. So it solved the problem.

10                  Because at first, when we were first doing  
11 it, we were concerned that increasing the routing  
12 wasn't going to be enough so that we were afraid  
13 we'd end up even leaving an overflow for a day.  
14 We didn't want to do that, but it's been managed  
15 by just switching it to every other day. It's  
16 been fine.

17                  But like I said, we -- the process, what  
18 they do is each bin has a bar code scanner. The  
19 driver service rep has the scanner. They scan  
20 each bin. They estimate the weight, load it in  
21 the truck. They bring it back. We verify all  
22 the weights. It aggregates in their database for  
23 their entire route. So we really know what's  
24 assigned to each individual site, each individual

1 bin.

2 CHAIRMAN WALLACE: How often do you  
3 find that bins are being misused, trash being  
4 deposited in them or --

5 MR. CAVALLARO: It happens. I mean,  
6 it's not -- you know what, the general public --  
7 I mean, it's the same thing with the -- I mean,  
8 the bins are well labeled, and they read it. You  
9 know, our name is on it, our contact information.  
10 The general public is better than you realize.

11 I think the key -- I told this to Russell.  
12 If you require and you can show proof of  
13 authorization, you immediately have the  
14 partnership and the relationship with the person  
15 that's there on the property. That solves  
16 90 percent of your problems right then and there  
17 because they're in contact with us.

18 The people that individually call most  
19 often about an overflow is you or I emptying  
20 grandma's house, and you dump -- you literally  
21 fill the bin, and then you leave everything.  
22 You're calling us saying, Hey, you know, we  
23 left -- I emptied a house, an estate situation,  
24 and I left it in front of the bin. You need to

1           come get it.

2                         CHAIRMAN WALLACE:  If I were to see  
3 something like that and I called the number on  
4 the bin, how long does it take you to come out?

5                         MR. CAVALLARO:  We guarantee within  
6 24 hours of being notified, we'll respond.

7                         Here it's easy to see, I mean, because we  
8 drive past here -- every route comes right here,  
9 but we do that anyway.  We do that at all of our  
10 divisions.  That's one of the hallmarks to what  
11 we do, and that's -- it's built into the Wheaton  
12 and Naperville ordinance, that 24 hours within  
13 notice, you can get it, and any of our  
14 competitors can do the same thing, and whatever  
15 is left there, we get rid of.

16                        MEMBER DOYLE:  Your headquarters is  
17 in West Chicago?

18                        MR. CAVALLARO:  Yes.

19                        MEMBER DOYLE:  You're a national  
20 company?

21                        MR. CAVALLARO:  Yes.

22                        MEMBER DOYLE:  Operate national?

23                        MR. CAVALLARO:  Yes.

24                        MEMBER DOYLE:  How many people do you

1 employ in the west suburban and Chicagoland  
2 areas?

3 MR. CAVALLARO: The corporate  
4 headquarters has 30 staff, and the division has  
5 another 20, I think. That sounds right, about  
6 50.

7 MEMBER DOYLE: In this area?

8 MR. CAVALLARO: Absolutely. I'm  
9 sorry. Just to clarify, the corporate  
10 headquarters is in West Chicago, and then the  
11 warehouse and the division is literally the condo  
12 next door, so that we're co-located. So the 20  
13 that I mentioned is just -- it's all the drivers  
14 and service reps and warehouse, et cetera.

15 MEMBER DOYLE: Your competitors, can  
16 you name who they are? Where are they  
17 headquartered?

18 MR. CAVALLARO: I honestly can't tell  
19 you. Some of them are -- they operate -- we  
20 operate under one corporation, one name. Many of  
21 these bins are operated by the same entity, but  
22 they have different names on the bins because  
23 they haven't fully rebranded or they're behind.

24 I can't tell you. I know -- I think

1           Helping Hands, I think they're in Sugar Grove now  
2           or Aurora. I'm not sure.

3                   MEMBER DOYLE: Thank you. Where I'm  
4           driving at here is it incidental that your  
5           company is headquartered in the far western  
6           suburbs of Chicago, or is there a reason why you  
7           established your company here in this area?  
8           What's the history of how your company came to be  
9           established here?

10                   MR. CAVALLARO: The best answer would  
11           be to ask Janice, Why did you pick West Chicago?

12                   I think the logistics of it makes sense. I  
13           mean, it's, you know, centrally located.

14                   CHAIRMAN WALLACE: Why don't you  
15           raise your hand.

16                                   (The witness was thereupon duly  
17                                   sworn.)

18                   CHAIRMAN WALLACE: All right. If you  
19           could state your name and spell last name and  
20           then state your address.

21                   MS. BOSTIC: My name is Janice  
22           Bostic, B-o-s-t-i-c. My address is 0N558 Mark  
23           Place, Geneva, Illinois.

24                   The question of logistics, we -- I started

1 the company actually in Seattle 13 years ago, and  
2 then more -- actually, it was sort of incidental  
3 personal reasons, I suppose, I moved here to  
4 Chicago, and my husband and I have developed  
5 this -- Chicago as sort of the hub. Then we  
6 started in Milwaukee and St. Louis and  
7 Minneapolis from Chicago.

8 We had our first warehouse in Elgin, and  
9 then we moved to West Chicago mostly because of  
10 logistics. I mean here because it's sort of  
11 central to the Chicagoland area, so it makes it  
12 convenient for routing trucks and so on.

13 MEMBER KESSLER: Are you still in  
14 Seattle?

15 MS. BOSTIC: We are still in Seattle.  
16 We have a manager that runs that division.

17 MR. CAVALLARO: Yeah. Our divisions  
18 are actually -- we're in -- if I go west, we're  
19 in Seattle; Hayward, which is north of the bay  
20 area, we opened in 2011; southern California is  
21 Orange County; we're in Denver. Then we've got  
22 Minneapolis, St. Louis, Milwaukee, Chicago,  
23 Atlanta, Pennsylvania, and New York.

24 MEMBER KESSLER: How many major

1 competitors do you have? How many is it, if any?

2 MR. CAVALLARO: We consider ourselves  
3 one of the smaller players, but there's -- around  
4 the country, there's dozens of operators, and  
5 there's different types.

6 Primarily with the bins, you see the books  
7 and clothes and shoes for the most part. I  
8 advocate to my friends in local government that  
9 e-waste is another option, but you can't fit --  
10 not for 27-inch TVs, but for all the real e-waste  
11 that we really need to collect, the small stuff.  
12 Not a 4-by-4 foot bin, but it's a sure easy  
13 option to put out at a public works facility or  
14 something, and it's probably a scenario that  
15 works. And I'm sure there's an e-waste hauler  
16 that would pay to collect the stuff.

17 There's a business idea.

18 I mean we mentioned before as well, we have  
19 several partnerships with units of government,  
20 several townships. We won a bid. All of  
21 California is under a zero-waste bid --  
22 zero-waste initiative. We won a bid from the  
23 City of Santa Monica to be the exclusive textile  
24 collector. It's only going to be done this year.

1           It's six designated recycling events, but the  
2           plan after that two-year contract is up is to  
3           implement a bin process so that it's more  
4           prevalent because they're really under a need to  
5           report the diversion rate to the state. Because  
6           like I said, they're really under a zero-waste  
7           initiative.

8                     The Will County Forest Preserve is one of  
9           the other local ones.

10                    CHAIRMAN WALLACE: Yes, Sue.

11                    MEMBER AMATANGELO: How many  
12           communities here in the Chicagoland area have  
13           your boxes?

14                    MR. CAVALLARO: We're in, I don't  
15           know, hundreds. I mean, we've got -- short of --  
16           there's probably 30 or 40 communities that either  
17           have regulations that restrict them that we're  
18           working on or that have recently banned them, but  
19           everywhere else we are.

20                    Chicago operates -- the Chicago division  
21           operates all the way out to Galena and actually  
22           into Davenport now -- I mean, Dubuque, across the  
23           river.

24                    MEMBER AMATANGELO: How many locally

1 here in the greater Chicagoland area? How many  
2 communities?

3 MR. CAVALLARO: I mean, the  
4 surrounding -- the seven county area, almost  
5 everywhere where they're allowed. We've got  
6 1,000 bins around Chicago.

7 MS. BOSTIC: Yeah. I don't think we  
8 know the number exactly, but it's over a 100 for  
9 sure.

10 MEMBER AMATANGELO: Okay. And then  
11 in the West Chicago area?

12 MS. BOSTIC: No.

13 MR. CAVALLARO: No. In West Chicago,  
14 there's none.

15 MEMBER AMATANGELO: Is there a reason  
16 why?

17 MR. CAVALLARO: They're not allowed.

18 MEMBER AMATANGELO: Okay.

19 MR. CAVALLARO: This is the issue  
20 they had. I have met with them, and they're  
21 considering something, but landowners at 59 and  
22 64, we have met at the shopping center  
23 conventions, and they're interested in the green  
24 aspect of it as the sustainability measurements

1           become a driver for their business.

2                         MEMBER AMATANGELO:  And I bet a lot  
3           of communities will have a location, like a  
4           public works location or whatever where they will  
5           allow recyclables and various practices like this  
6           to happen.

7                         Is there a reason why, I mean, when all is  
8           said and done, that we couldn't do something of  
9           that sort?  You still allow it to happen, but  
10          rather than having it dotted around the entire  
11          community, you have a specific public location  
12          that they can --

13                        CHAIRMAN WALLACE:  Well, I think the  
14          argument that they're making, and please correct  
15          if I'm wrong, is instead of burdening public  
16          dollars with hosting that type of a thing,  
17          they're providing it privately, and it's going to  
18          the same place.

19                        MR. CAVALLARO:  Right.  I mean, our  
20          permit --

21                        MEMBER AMATANGELO:  Well, I  
22          appreciate that, but my concern is, again,  
23          dotted the entire, you know, community.  I would  
24          prefer not, if that's at all possible.

1                   MR. CAVALLARO: Well, but I think --  
2                   well, that's where the regulations come into  
3                   place, though, because you don't end up -- they  
4                   really don't end up being dotted. You get  
5                   control because you're going to have -- you know,  
6                   I bet there's a percentage of these that may not  
7                   have permission. They may not be able to get  
8                   permission. So therefore, that's going to  
9                   restrict some number of them.

10                   Through the permit process, we propose --  
11                   you know, the permit process for Naperville pays  
12                   for what their cost figure would be to issue the  
13                   permits and to regulate it. That's what we  
14                   advocate. There shouldn't be any cost or burden  
15                   on the public.

16                   But the same thing I would do is I would  
17                   welcome -- we would welcome to operate with the  
18                   City as well in the public spaces so that they  
19                   could do it as well, but nobody is collecting  
20                   clothing and shoes in a public venue other than  
21                   the partnerships we've developed -- Will County,  
22                   Troy Township, Washington Township, West  
23                   Deerfield, those are some of the first.

24                   Algonquin -- the Algonquin Highway

1 Department, we have collected 300,000 pounds with  
2 10 bins at their facility, and through  
3 communication and marketing and through their  
4 recycling efforts, that's exactly how it works.

5 As you described, that's exactly how it  
6 works for all over Europe. Public parking spaces  
7 literally have a variety of bins by a variety of  
8 operators collecting a variety of goods, and  
9 that's how it works.

10 CHAIRMAN WALLACE: Matt, based on  
11 your knowledge of City administrative processes,  
12 if there was a permitting process, who would that  
13 go through? What department would that go  
14 through?

15 MR. O'ROURKE: I think all permits  
16 for the most part are issued through the building  
17 and code enforcement division.

18 Russ, do you have any other thoughts on  
19 that?

20 MR. COLBY: No. Other than it may be  
21 something that's reviewed by the Plan Commission,  
22 other than being submitted to the building and  
23 code enforcement division.

24 CHAIRMAN WALLACE: I know that you're

1 not employed in that division, but would you  
2 foresee that there would be an added burden to  
3 that division by implementing a permitting  
4 process?

5 MR. O'ROURKE: That's not something I  
6 can really speak to. You'd have to talk to Bob  
7 Vann or Rita, who are really more familiar with  
8 the interwork of their division and how they do  
9 that. I wouldn't feel comfortable commenting on  
10 that.

11 CHAIRMAN WALLACE: Okay.

12 MR. COLBY: Yeah. That's not our  
13 question to answer. You know, if it's something  
14 you'd like us to look into, we can simply bring  
15 back information, if we think there is a  
16 significant enough time burden associated with it  
17 or not.

18 CHAIRMAN WALLACE: Well, my feeling  
19 is since the City of Naperville implemented a fee  
20 to process the permit, that they felt that there  
21 was a certain amount of burden to justify the  
22 fee, and I don't know if you can speak to that  
23 since you've had input on that Naperville  
24 ordinance.

1                   MR. CAVALLARO: That's exactly what  
2                   it's intended. I mean, like I just said, we --  
3                   this shouldn't -- you know, if they're going to  
4                   regulate and at least just review the paperwork,  
5                   there's staff time, you know, afforded for that.  
6                   There shouldn't be a burden put on the staff for  
7                   that.

8                   There's a cost to you issuing business  
9                   licenses for -- you know, or permits for any  
10                  other things, and they pay their fees. We  
11                  shouldn't be treated any differently.

12                 CHAIRMAN WALLACE: All right. Other  
13                 questions?

14                 MEMBER DOYLE: Yes. I have a  
15                 question for the staff actually, Matt. Thank  
16                 you.

17                 You mentioned at the outset that it has not  
18                 been the City's practice to require permits.  
19                 Could you elaborate a little bit about what you  
20                 mean by that?

21                 MR. O'ROURKE: Yeah. When it comes  
22                 to these kind of smaller control items, the City  
23                 just doesn't have a permit process for these  
24                 types of things that are nonstructural

1 specifically in nature. You know, you're not  
2 redoing a building. You're not building a deck.  
3 You're really just putting something out there  
4 that's kind of a self-contained unit. From my  
5 understanding, the City doesn't really permit  
6 these in any way, shape, or form, even, you know,  
7 other types of items that might show up on a lot.

8 You know, it's really a manpower issue, I  
9 think, to some of it since there's only a few  
10 inspectors and front office staff. I think it's  
11 more -- you know, we don't even have a business  
12 license in town because the City is -- it's their  
13 policy not to want to do that, and that was  
14 brought up, you know, within the last couple of  
15 years.

16 CHAIRMAN WALLACE: I'm gathering  
17 maybe the feeling -- I know my feeling is since  
18 this is something that's almost more in the  
19 nature of signage and property use and it's not  
20 covered under any other permitting procedure, my  
21 feeling is that there should be a permitting  
22 process for it, if it's allowed. I don't know  
23 how other plan commissioners feel about it.

24 If that has to be -- you know, if that

1 increases the burden on City staff, then the  
2 person applying for the permit needs to bear that  
3 burden by paying a permitting fee.

4 I guess based on that, I'd like to know  
5 from Matt -- I mean, I think, maybe it would be  
6 appropriate to keep it open in order to get an  
7 answer on that from, you know, the appropriate  
8 person, whether it's Bob Vann or --

9 MR. O'ROURKE: Yeah. I was going to  
10 suggest that we probably do that.

11 CHAIRMAN WALLACE: Yeah.

12 MR. O'ROURKE: Continue the public  
13 hearing regardless of what the other comments  
14 are, and we either have Bob come here or I can  
15 get more information from him. He would have  
16 been here tonight, but he's off this week. So he  
17 didn't have -- he's off all week.

18 MEMBER KESSLER: Why isn't he here  
19 then?

20 CHAIRMAN WALLACE: Teleconference.

21 MR. O'ROURKE: Something about a  
22 honey-do list.

23 MEMBER SCHUETZ: Question or a  
24 suggestion, I guess, a comment or suggestion --

1 is the staff consider looking at possibly having  
2 maybe two companies exclusively providing, if  
3 we're going to go along these routes?

4 When looking at these pictures, it appears  
5 as though there's one, two, three, four, five,  
6 six, seven companies out of nine pictures.

7 MR. O'ROURKE: Yeah. When it comes  
8 to private property --

9 MEMBER SCHUETZ: I know parties do  
10 because it happens in my industry all the time.

11 MEMBER PRETZ: But he had mentioned  
12 that some of these boxes even though they have  
13 different names on them are the same companies.  
14 They just haven't been kept up to date.

15 MEMBER SCHUETZ: Well, the reason I'm  
16 suggesting that is because some of the things  
17 I've heard here sound positive, and if you've got  
18 somebody that has all kinds of, let's just say,  
19 rules, technology, et cetera, and experience, and  
20 then you have some of these pictures that you  
21 took, and it appears as though they just threw  
22 them in the parking lot --

23 MR. O'ROURKE: Yeah.

24 MEMBER SCHUETZ: -- with no

1 consideration for the public.

2 It seems as though if you had exclusivity,  
3 whether it be two companies, three. I know  
4 that's hard to do, but it's just a suggestion to  
5 consider.

6 MR. O'ROURKE: I think it would be  
7 hard to do that on private property.

8 MEMBER KESSLER: I think you're  
9 right, Tom, and I think that if you're -- if  
10 you're a partner in writing the specification for  
11 the allowance, you're going to write it in such a  
12 fashion that you're going to be one of the only  
13 ones that can apply.

14 MEMBER SCHUETZ: Well, that's kind of  
15 my point without saying it.

16 MEMBER KESSLER: You know, I think, I  
17 have to say, you know, I don't completely  
18 disagree with banning it, but on the other hand,  
19 I don't completely disagree with Brian's comments  
20 about, you know, a step approach.

21 Now, there is a recycling portion of it,  
22 and I like what I hear, but, again, it's a  
23 business. This is a business that needs to be  
24 treated as a business. I think what you're

1           proposing or suggesting that we do along the  
2           lines of the Naperville ordinance are probably  
3           closer to -- getting closer to, I'm still not  
4           sold on it, but Sue's suggestion that we, you  
5           know -- I know in Europe that's how they do it.  
6           There is a location and that's where you go, what  
7           Sue is suggesting, and perhaps it is in a public  
8           location or private parties, a private shopping  
9           center that wants to do it.

10                         But I agree, Matt, we need to keep it open.  
11           I said at the beginning, and I know you've done a  
12           lot of work on this, I think we need to be a  
13           little more -- we have to require a little more  
14           compliance than what you've, you know, initially  
15           suggested here.

16                         MR. O'ROURKE: Just to clarify, does  
17           that mean less zoning districts or the permit  
18           process or both? So I know what the --

19                         MEMBER KESSLER: Well, I think you  
20           should do the permitting process for sure.

21                         MR. O'ROURKE: Okay.

22                         MEMBER KESSLER: I think we need to  
23           restrict them in some way to certain places. I'm  
24           not completely opposed to, you know, requiring

1           that they're in only a couple locations in town  
2           somehow.

3                         CHAIRMAN WALLACE: I think they for  
4           sure shouldn't be allowed in CBD-1 and 2.

5                         MEMBER KESSLER: I agree. They  
6           should not be allowed in the downtown districts.

7                         MEMBER DOYLE: As an alternative to  
8           permitting, are there any towns in the Chicago  
9           area or towns that you know of that have a  
10          licensing arrangement where a company is licensed  
11          to operate, but then once the license is  
12          obtained, they would not be required to get a  
13          permit for every recycling site?

14                        MR. O'ROURKE: The only example of  
15          that I know of off the top of my head is more  
16          with relation to contractors that have to be  
17          licensed with the City in terms of insurance.  
18          That would be the only example I could think of.

19                        Before they can do work in the city, some  
20          communities do require a licensure. It's  
21          generally good for a year that you're allowed to  
22          work in the city, but I don't even know if we  
23          have that for contractors in St. Charles. So I  
24          don't know if it's the City's policy to do those

1 kind of things.

2 MEMBER DOYLE: I bring it up just as  
3 a matter of -- in terms of staff resources as an  
4 alternate to permitting every site. If there was  
5 a single application where a company obtained a  
6 license to operate this kind of business in the  
7 City limits, and it provided the City staff with  
8 a contact and with some sort of recourse if there  
9 was a --

10 MR. O'ROURKE: We could certainly  
11 have that discussion at some point. The way this  
12 conversation is heading, we're sort of moving  
13 outside of the realm of the zoning ordinance and  
14 what the general amendment is.

15 We can certainly bring those items up, but  
16 I don't know if they could be addressed with this  
17 amendment because that would involve different  
18 City codes and a different process. So we could  
19 talk about it for sure.

20 MEMBER DOYLE: Yeah. It may be more  
21 involved than I realize. I guess, going back to  
22 what was said, I'm in favor of applying just  
23 enough regulation to ensure that things are well  
24 run and suit the public need, but no more than

1           that. You know, I would rather have us come back  
2           later on and apply more after we verify that  
3           there's a problem than compensate.

4           Particularly, if there's a possibility that  
5           it's going to -- I mean, the staff is not going  
6           to be able to hire a new person to process permit  
7           applications, and so what will -- you know, the  
8           City may bank some monies from permit fees, but  
9           it's not going to --

10           CHAIRMAN WALLACE: My concern is I  
11           would want for there to be a net zero impact on  
12           the City. You know, and if there's any  
13           additional time that's spent, a part-time staff  
14           member has to work an additional five hours a  
15           week, then we need to determine what the  
16           appropriate permitting fee would be to cover  
17           that. I think that's something that, you know,  
18           Bob Vann or whoever could give us a pretty good  
19           estimate on.

20           MR. O'ROURKE: Yeah. I think, we can  
21           definitely come back with better information on  
22           how that would work.

23           MEMBER AMATANGELO: But even with the  
24           regulation and the permitting fee, without the

1 ability to monitor it, you're back to ground zero  
2 again.

3 CHAIRMAN WALLACE: But each of them  
4 have to be individually permitted.

5 MEMBER AMATANGELO: Right. But what  
6 if you had a permit program right now, and we're  
7 here sitting like this? Nothing has changed.  
8 You have the permit now, but you still -- you  
9 know, who is going to monitor it? Who is going  
10 to regulate it? Who is going to -- and, again,  
11 going to your point, you know, it's a burden on  
12 the City's shoulders to do that.

13 You already have the public responding to  
14 this in a very negative fashion. They don't like  
15 it. They don't like what they see. They don't  
16 like how much they see.

17 CHAIRMAN WALLACE: Matt, do you have  
18 any evidence as to how much it costs to remove  
19 one of these units? How much it would cost the  
20 City?

21 MR. O'ROURKE: No. That's not -- I  
22 don't know if we've even done that.

23 CHAIRMAN WALLACE: Do you think that  
24 you could find that out?

1 MR. O'ROURKE: I can certainly ask.  
2 I don't know if -- we'd have to call somebody.

3 MR. COLBY: I don't think that's  
4 something the City would do.

5 MR. O'ROURKE: Yeah.

6 MR. COLBY: We would issue a  
7 violation letter, and they would be fined and  
8 compelled to remove it, but I don't think we  
9 would physically remove it.

10 CHAIRMAN WALLACE: Find out what it  
11 needs to require that a bond be held as part of  
12 the permitting process where if they are not in  
13 compliance after a certain number of days, the  
14 bond would be forfeited in order to pay for  
15 removal. I don't know if that's something you  
16 could recommend in the permitting process or not.

17 Do you have a comment on that?

18 MR. CAVALLARO: Yes. Generally it is  
19 treated -- the shopping center permits we have,  
20 they're treated under -- as long as there's a  
21 towing notice, you can remove them in the same  
22 way. So the property owner can deliver more --  
23 when we partner with your larger shopping  
24 centers, we are charged with the responsibility

1 to keep the others -- if they drop them, do we  
2 ask them to remove it? We give them, you know,  
3 plenty of -- well, 72 hours notice. You're only  
4 required to give them 24. If they don't, then we  
5 pay to remove them. That's our arrangement with  
6 them.

7 MEMBER AMATANGELO: I appreciate  
8 that, but you're on one end. There's seven  
9 different companies. Those may be duplicated,  
10 and only five companies up there, and you run  
11 your company very clean and very, you know, in a  
12 stellar fashion, but not everyone does.

13 MR. CAVALLARO: Well, I understand  
14 that.

15 MEMBER AMATANGELO: What we're  
16 looking at -- we're looking at the entire  
17 situation here.

18 MR. CAVALLARO: Right.

19 MEMBER AMATANGELO: -- not just  
20 what -- I mean, you do a great job. There is no  
21 doubt about it, and what you're doing is great.

22 MR. CAVALLARO: Right. Okay.

23 MEMBER AMATANGELO: But it's bigger  
24 than your company.

1                   MR. CAVALLARO: Well, I know that,  
2                   but I've looked at this across 20 different  
3                   communities on the same scale, and I've seen the  
4                   aftereffect. And the aftereffect is, you know,  
5                   when Savers physically hits that building, those  
6                   three white bins will be gone because they're --  
7                   it's contractors there now. So they're -- that  
8                   Savers' bin right there on the bottom center.  
9                   That's their Epilepsy Foundation bins. So they  
10                  will self-police that.

11                  The reason these bins are sitting there,  
12                  those are the ones that first -- I brought those  
13                  to the attention of the administrator and the  
14                  mayor because that's the abandoned Bakers Square.  
15                  That's why I felt that this is going to start to  
16                  become an issue and to address it through these  
17                  types of ordinances.

18                  It clears itself up rather quickly, and the  
19                  other aspect is to implement a ban, those that  
20                  aren't going to follow, you'll still chase with  
21                  no reimbursement, and you won't have us in town.  
22                  We'll be the ones that -- we'll receive the  
23                  e-mail from staff, remove our bins, apologize to  
24                  our property owners, and leave town. Then

1           there's no net neutral revenue to the City.

2                         MEMBER KESSLER: Did you say that you  
3 go into a shopping center and if there are other  
4 companies' bins there and they ask them to remove  
5 them and they don't, you remove them? Is that  
6 what you said?

7                         MR. CAVALLARO: When we are tasked  
8 with that. Because we're tasked with  
9 operating -- you know, keeping that area around  
10 the bin -- we commit to keeping the area around  
11 it well maintained.

12                         So if someone drops an unauthorized bin on  
13 that property, we are charged with notifying them  
14 and removing it because what you have, the  
15 simple -- if you put four bins that are different  
16 styles together, that's not what any -- that's  
17 the least appealing than if you add --

18                         CHAIRMAN WALLACE: Can you go to the  
19 other set of pictures for the west side?

20                         MR. O'ROURKE: Sure.

21                         MR. CAVALLARO: Right. The book bin  
22 that's next to ours in that middle right, that's  
23 a perfect example. So this ordinance eliminates  
24 that. One of us -- only one operator, one bin is

1           allowed. So that is immediately eliminated. I'm  
2           not saying we're going to tow it. Normally, you  
3           just notify them, and it's gone.

4           The same thing with the center one. Those  
5           are two Helping Hands bins, and I think that's  
6           another book bin. I don't know if it's Reading  
7           Tree. I can't tell from the graphic from this  
8           distance. But that's what eliminates those  
9           issues.

10           CHAIRMAN WALLACE: All right. Any  
11           other questions or comments?

12                           (No response.)

13           CHAIRMAN WALLACE: Matt, are you  
14           clear on what we're -- the information that we're  
15           looking for?

16           MR. O'ROURKE: Yes. I think the  
17           permit process sounds like that's the biggest one  
18           out there.

19           CHAIRMAN WALLACE: Yes.

20           MR. O'ROURKE: Possibly a little bit  
21           of refinement to what's already been proposed.

22           CHAIRMAN WALLACE: And if there's any  
23           way to determine what the cost would be of  
24           removal of a bin, you know, maybe through public

1 works or something like that.

2 MR. O'ROURKE: I have that.

3 CHAIRMAN WALLACE: What was that?

4 MR. O'ROURKE: I have that written  
5 down.

6 CHAIRMAN WALLACE: Okay. Anything  
7 else?

8 (No response.)

9 CHAIRMAN WALLACE: Okay. Then at  
10 this time I think -- I'm sorry, anything else  
11 from members of the public? Comments?  
12 Questions?

13 (No response.)

14 CHAIRMAN WALLACE: All right. At  
15 this time, I'll need a motion to continue the  
16 public hearing, which would be --

17 MEMBER KESSLER: So moved.

18 CHAIRMAN WALLACE: -- May 22nd, 2012  
19 meeting.

20 MEMBER KESSLER: So moved again.

21 MEMBER AMATANGELO: Second.

22 CHAIRMAN WALLACE: It's been moved  
23 and seconded.

24 Just to be clear, Matt, I'd like to have

1 the public hearing as well as action on the item  
2 be on the agenda the same night.

3 MR. O'ROURKE: Sure. We'll make sure  
4 it's listed on the meeting portion as well.

5 CHAIRMAN WALLACE: Yes.

6 MEMBER DOYLE: Chairman, I will not  
7 be at the May 22nd meeting.

8 CHAIRMAN WALLACE: Okay.

9 MEMBER DOYLE: So I'd like to know if  
10 there is any possibility or arrangement for a  
11 proxy vote or --

12 CHAIRMAN WALLACE: I don't know if we  
13 have a procedure for that.

14 MEMBER KESSLER: Is there a reason  
15 why we can't do the vote at the meeting  
16 following?

17 MR. O'ROURKE: If you feel that  
18 that's what you want to do, that's fine.

19 MEMBER KESSLER: Is there some  
20 time-sensitive issue here on this?

21 CHAIRMAN WALLACE: No. Until we do  
22 anything, there's no restriction.

23 MEMBER KESSLER: Do whatever you  
24 want.

1                   MR. O'ROURKE: We do anticipate some  
2 busier agendas down the road with other items,  
3 but that would be the only reason.

4                   MEMBER KESSLER: So perhaps at the  
5 meeting following the 22nd, we could take a vote  
6 on the action, and then you would be present.

7                   MEMBER DOYLE: If that is --

8                   CHAIRMAN WALLACE: Would you prefer  
9 that the entire item, the entire public hearing  
10 just be continued to that meeting?

11                   MR. COLBY: I think based on the  
12 scheduling, we would want the public hearing  
13 continued to the 22nd because we have some other  
14 items coming up in June.

15                   CHAIRMAN WALLACE: Okay. But then  
16 action on the item at the next meeting. All  
17 right.

18                   Well, let's vote on the continued public  
19 hearing, and then we'll have another vote for  
20 action on the item.

21                   Okay. So the motion is to continue the  
22 public hearing to the May 22nd meeting.

23                   All in favor? I'm sorry. Let's do roll  
24 call.

1 MEMBER KESSLER: Amatangelo.

2 MEMBER AMATANGELO: Yes.

3 MEMBER KESSLER: Schuetz.

4 MEMBER SCHUETZ: Yes.

5 MEMBER KESSLER: Doyle.

6 MEMBER DOYLE: Yes.

7 MEMBER KESSLER: Pretz.

8 MEMBER PRETZ: Yes.

9 MEMBER KESSLER: Wallace.

10 CHAIRMAN WALLACE: Yes.

11 MEMBER KESSLER: Kessler, yes.

12 CHAIRMAN WALLACE: Okay. That passes  
13 unanimously.

14 Before we end the item, is there a motion  
15 to place this item on the agenda for action at  
16 the June 5th meeting.

17 MEMBER AMATANGELO: So moved.

18 MEMBER KESSLER: Second.

19 CHAIRMAN WALLACE: It's been moved  
20 and seconded.

21 Any discussion on the motion?

22 (No response.)

23 CHAIRMAN WALLACE: Tim.

24 MEMBER KESSLER: Amatangelo.

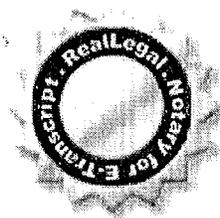
1 MEMBER AMATANGELO: Yes.  
2 MEMBER KESSLER: Schuetz.  
3 MEMBER SCHUETZ: Yes.  
4 MEMBER KESSLER: Doyle.  
5 MEMBER DOYLE: Yes.  
6 MEMBER KESSLER: Pretz.  
7 MEMBER PRETZ: Yes.  
8 MEMBER KESSLER: Wallace.  
9 CHAIRMAN WALLACE: Yes.  
10 MEMBER KESSLER: Kessler, yes.  
11 CHAIRMAN WALLACE: All right. I  
12 believe that concludes Item No. 4 on the agenda.  
13 Thank you very much.  
14 (Whereupon, at 8:20 p.m., the  
15 hearing was continued to May  
16 22nd, 2012, at 7:00 p.m.)  
17  
18  
19  
20  
21  
22  
23  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF K A N E )

I, JOANNE E. ELY, Certified Shorthand Reporter No. 84-4169, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, do hereby certify that I reported in shorthand the proceedings had in the above-entitled matter and that the foregoing is a true, correct, and complete transcript of my shorthand notes so taken as aforesaid.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my Notarial Seal this 15th day of May, 2012.



*Joanne E. Ely*  
\_\_\_\_\_  
Certified Shorthand Reporter

My commission expires  
May 16, 2016.