

**Approved
Minutes of a Meeting of the
Communications and Legislation Committee
Village of Northbrook
Cook County, Illinois
Tuesday, February 24, 2015**

CALL TO ORDER

Trustee Ciesla called the meeting to order at 6:15 p.m. Present were Trustees Heller, Ciesla, and Israel. Also present were Village Manager Richard Nahrstadt; Deputy Village Manager/Chief Financial Officer Jeff Rowitz; Director of Development and Planning Services Thomas Poupard; Administrative Assistant Judy Butch; Assistant Director of Development and Planning Services David Schoon; Management Analyst Mike Strong, Development and Planning Services; Deputy Police Chief Lou Caruso; Watch Commander Harry Bekiaris, Police Department; Traffic Officer Christopher Lacina, Police Department; Assistant to the Village Manager Rob Sabo; and Attorney Stewart Weiss of the law firm of Holland and Knight. Members of the public attending included Linda Carroll, Mike Carroll, Helene Gidaspow, and Ann Berwald.

HEAR FROM THE AUDIENCE

None.

DISCUSSION: Audit of Adopted Food Truck and Ice Cream Truck Regulations and Discussion of Possible Amendments

Development and Planning Services Management Analyst Mike Strong reviewed the Village's current food truck and ice cream truck regulations. He said food truck operators primarily solicit customers in downtown Northbrook and on private property in the Sky Harbor industrial park. The complaints we have received for food truck operators were not so much based on their operation, but because they competed with "brick and mortar" eating places.

He said that the Village has received some complaints about noise levels emitted by ice cream trucks, especially in residential areas. He said that the Village also sometimes receives complaints about ice cream trucks parked on private property without the property owner's permission. This occasionally has been a problem at Park District properties. It was clarified that the term "private property" also included Park District property.

Mr. Strong reviewed where food trucks and ice cream trucks may legally park in downtown Northbrook. He said that sometimes vendors do not understand where parking is allowed. He said that food trucks and ice cream trucks may not park within 500 feet of a special event, such as Northbrook Days or the Farmers Market. The Committee discussed whether expressing the parking ban in terms of landmarks or particular streets, e.g., no parking on ABC Bridge, might be more easily understood by food truck operators and police officers who must enforce the law. Deputy Police Chief Lou Caruso said that food truck operators and ice cream truck operators rarely are cited for noise violations or illegal parking. The trucks often move before the police arrive. He said that the Police Department has offered to train food truck and ice cream truck operators regarding acceptable noise levels. To date, none have accepted.

The Committee discussed whether ice cream trucks have increased their sound levels given the wider popularity of iPods and other devices that cause pedestrians to wear headphones. The Committee also discussed the Village's current standard for maximum sound emissions by ice cream trucks and food trucks. Tom Poupard, Director of Development and Planning Services, said that the Village's existing standard is 75 decibels 30 feet from the source of the sound. Police Commander Bekiaris said that the sound of the conversation at this meeting tonight is approximately 69 to 74 decibels.

Trustee Ciesla said that the Village's noise standard should be maintained and applied consistently to all food trucks and ice cream trucks licensed to operate in the Village. The Committee then discussed how food trucks and ice cream truck operators might be educated regarding maximum sound emissions. In general, noise complaints have been few (three in 2014, one in 2013). The Committee also discussed how to make it easier for the operators of food trucks and ice cream trucks to understand where they may park. The consensus was that parking regulations should be expressed in terms of landmarks (e.g., no parking on ABC Street between XYZ Road and the railroad tracks) rather than distance (e.g., no parking within 500 feet of a special event). The latter requires truck operators (and police officers) to estimate how far 500 feet is and leads to uncertainty regarding where food trucks and ice cream trucks may legally park and operate. The Committee also decided that those seeking a license to operate a food truck or ice cream truck should first have to report to the police department for training regarding acceptable sound levels for the truck's amplification system. The Village also will inform licensees that they cannot park on private property without the property owner's permission. Mr. Poupard suggested that the park district may wish to install signs clarifying that permission is

needed before food trucks and ice cream trucks may operate on Park District property. Currently there are no such signs.

DISCUSSION: Review of Wildlife Ground Feeding Municipal Code Regulations

Assistant to the Village Manager Rob Sabo said that the Village has received two written complaints that residents are engaging in ground feeding which attracts nuisance wildlife, such as skunks and possum. He said that ground feeding, which is not to be confused with the use of bird feeders, is not specifically prohibited by the Village code. Mr. Sabo said that the Village code prohibits only the harboring of “dangerous, feral, undomesticated, vicious, or wild animals.” Mr. Sabo said that the Village surveyed 130 other communities. Thirty-five (35) provide regulations on wildlife ground feeding with various exceptions made for bird feeders.

Ms. Linda Carroll, 2125 Oak Avenue, said that one or more neighbors in her area have been ground feeding wildlife for years. The ground feeding attracts rabbits, squirrels, skunks, and possum. She said that squirrels have even chewed through local electric power lines. She said that because of the ground feeding, the driveway to her home is covered by animal and bird droppings. She said ten years ago, her area saw many dead crows, largely because of West Nile virus. She said that it is unhealthy for her grandchildren to play outdoors when so many animal and bird droppings are around. She said that possibly the zoning regulations for the R-5 Residential District should be amended to limit ground feeding and the number of bird feeders that may be maintained on any individual lot.

Ms. Helene Gidaspow said that she has lived in Northbrook for 40 years and enjoys ground feeding the birds. She said that rabbits eat what the birds do not. She said that occasionally, the food also attract deer. She said that she opposes restrictions on ground feeding even though she once had one or more raccoons take up residence in her attic. They were successfully removed.

Ms. Ann Berwald said that she lives on Illinois Road in Northbrook. She said that she is the person whose ground feeding of animals has been the subject of at least one complaint to the Village. She said that she puts a few scoops of bird feed on the ground. She also provides animal-grade peanuts and some shelters that allow the feeding of squirrels. She said that the two letters provided to the Committee tonight outlining complaints about ground feeding are exaggerated.

The Committee then discussed what the Village code currently provides regarding nuisance wildlife. Village Attorney Stewart Weiss said that under the Village code, no site may become a breeding ground for rodents. Mr. Poupard said that rodent infestations can be addressed by citing property owners for Municipal Code violations. He said that the Department of Development and Planning

Services handles animal infestation complaints if they are a health issue. Otherwise, such complaints go to animal control. The Committee then discussed how to balance Northbrook's suburban and forested character with the need to control nuisance wildlife and any potential health problems. Certain wildlife problems may increase simply because natural predators have disappeared from the suburban landscape. It may not be wise to encourage wild animals to become dependent upon humans for their food.

The Committee discussed the advisability of adopting language similar to that adopted by the Villages of University Park and Broadview. University Park prohibits the laying out of table scraps and other food in a manner that deliberately attracts wild animals and causes them to become habituated to humans. Broadview prohibits conditions that allow rats, rodents, or vermin to nest, seek shelter, or feed. The Committee felt that the language from Lincolnwood which prohibits ground feeding entirely with the exception of bird feeders is too restrictive.

Responding to a question asked earlier, Mr. Poupard said that "rodent" is not defined in the Municipal Code, but a definition retrieved via Google includes "rats, mice, squirrels, hamsters, porcupines, and other animals that have constantly growing incisors and no canine teeth."

Trustee Heller, seconded by Trustee Israel, moved that the Committee draft regulations based on the Village of Broadview ordinance that makes it illegal to engage in ground feeding that attracts undomesticated nuisance animals. The motion passed on a voice vote.

Trustee Ciesla said that the Committee will meet again to review the draft language proposed above.

ADJOURN

Trustee Israel, seconded by Trustee Heller, moved to adjourn the meeting at 7:20 p.m. The motion passed by voice vote.

Respectfully submitted,

/s/ Christine Martin
Recorder