

# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orland-park.il.us](http://www.orland-park.il.us)



## Meeting Minutes

Monday, May 19, 2014

6:00 PM

Village Hall

## Public Safety Committee

*Chairman Daniel T. Calandriello  
Trustees Patricia A. Gira and Kathleen M. Fenton  
Village Clerk John C. Mehalek*

**CALL TO ORDER/ROLL CALL**

The meeting was called to order at 6:22 PM.

**Present:** 3 - Chairman Calandriello; Trustee Gira and Trustee Fenton

**APPROVAL OF MINUTES****2014-0304 Approval of the April 21, 2014 Public Safety Minutes**

I move to approve the Minutes of the Regular Meeting of the Public Safety Committee of April 21, 2014.

**A motion was made by Trustee Fenton, seconded by Chairman Calandriello, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 3 - Chairman Calandriello, Trustee Gira, and Trustee Fenton

**Nay:** 0

**ITEMS FOR SEPARATE ACTION****2014-0302 Treadmills - Purchase**

Police Chief Timothy McCarthy stated that the police department has two treadmills in the department fitness room. One is over fifteen years old and the other almost ten years old. Maintenance for these treadmills is so frequent that it is no longer economically feasible to maintain them due to their heavy use and frequency of breakdown.

We have obtained quotes (attached to the Committee Packet) for three commercial grade treadmills with comparable specifications for weight, motor size, warranty, and deck size.

We have also communicated with the Recreation Department in this matter to draw upon their experience with a variety of treadmills in use at the Sportsplex. Based on their review and after comparing quotes and warranty, we would recommend purchasing the two treadmills from Life Fitness (lowest quote) for \$8,428.00

I move to recommend to the Village Board to approve the purchase of two CLST Integrity Treadmills from Life Fitness with a two-year parts warranty, 7-year warranty on welds and a life time motor warranty from the departments federal asset forfeiture fund at a cost not to exceed \$8,428.00

**A motion was made by Trustee Gira, seconded by Trustee Fenton, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:**

**Aye:** 3 - Chairman Calandriello, Trustee Gira, and Trustee Fenton

**Nay:** 0

**2014-0284 Disposal of Certain Seized Vehicles at Public Auction - Recommended Ordinance**

Police Chief McCarthy stated that the Police Department requests that the Village declare two (2) forfeited vehicles described herein as excess property and dispose of at public auction. The vehicles were seized by the department and forfeited to the Village by the Circuit Court of Cook County from a driver who was driving their vehicle while their license was suspended for DUI.

The vehicle is described herein as follows:

2001	Ford Taurus	1FAFP55UX1G280894
2000	Chevrolet/Silverado	2GCEK19T5Y1240597

I move to recommend to the Village Board to pass an Ordinance entitled: ORDINANCE AUTHORIZING DISPOSAL BY PUBLIC AUCTION OF PERSONAL PROPERTY (VEHICLES) OWNED BY THE VILLAGE OF ORLAND PARK, ILLINOIS

**A motion was made by Trustee Fenton, seconded by Trustee Gira, that this matter be RECOMMENDED FOR PASSAGE to the Board of Trustees. The motion carried by the following vote:**

**Aye:** 3 - Chairman Calandriello, Trustee Gira, and Trustee Fenton

**Nay:** 0

**2014-0225 Commercial Breeding Establishments (CBE) Policy Discussion**

In the April Public Safety Committee meeting, Trustees sought input from the public on the issue of regulating pet shops that sell dogs from large-scale CBEs. Commercial Breeding Establishments (CBEs), or "puppy mills", are kennel facilities where puppies or kittens are produced in large numbers for commercial purposes. Staff outlined issues both for and against regulations by the Village and included existing regulations that have already been enacted at the state and county level. Also included in the report were policy alternatives concerning the regulation such establishments. The policy options outlined are listed below:

- a) take action to affirm Cook County Ordinance
  - b) invoke home rule authority and exclude Orland Park from regulation by Cook County. The Village could also invoke home rule status later and amend our enforcement approach.
  - c) amend the current Village Code and restrict the sale of dogs purchased from CBE accordingly via a customized local ordinance. Enforcement of a custom ordinance would be up to the Village entirely.
- State Legislation

Earlier this month, Governor Pat Quinn announced the introduction of a new state bill (See Attachment) that would restrict the sale of dogs and cats in pet stores. HB 4056 would allow pet stores across the state to only acquire dogs and cats from shelters and rescues, and direct the Department of Agriculture to study the issue after five years. Governor Quinn announced his support for legislation to end “puppy mill” sales at pet stores in Illinois. The legislation, sponsored by State Senator Dan Kotowski (D-Park Ridge) and State Representative Dan Burke (D-Chicago) would prohibit Illinois pet shops from selling dogs and cats they have acquired from CBEs. Senate Amendment 1 to House Bill 4056 would require pet shops to sell only those dogs and cats they have acquired from an animal shelter or animal control facility. Pet shops could no longer sell dogs or cats they have acquired from a breeder, but the bill allows responsible breeders to sell directly to individuals.

#### Puppy Mills in Illinois

According to a recent Humane Society study (See Attachment), there exist two “problem” puppy mills in Boone County, Lettier Kennel in Caledonia (now closed), and Christiansen Kennels in Poplar Grove.

#### Policy Alternatives

1) Affirm ordinance adopted by Cook County taking effect in October 2014. The proposed State of Illinois legislation also addresses the humane protection and consumer safeguards for sale of pets.

2) Invoke home rule and reject the Cook County ordinance:

a) Craft ordinance similar to the Chicago ordinance;

b) Craft alternative ordinance addressing the issue by tightening controls on pet shop(s) that sell dogs and cats in Orland Park. If the Board decides to adopt its own ordinance, potential language to be included in the draft ordinance can require pet stores that sell animals to sign an affidavit. The affidavit would be signed by the shop owner(s) and given to the patrons. The Village’s Code Enforcement would then have to investigate these affidavits for accuracy, and if deceptive, a fine would be given to owner on a case by case basis. The affidavit may disclose the following information:

1) The animal’s breed, age, sex, and weight.

2) Source of breeder, including the name and address of any other person who owned or harbored the animal between its birth and the point of sale.

3) Number of animals at that breeder and a copy of the certificate of veterinary inspection.

4) A record of vaccinations and veterinary care and treatment.

5) A record of surgical sterilization or lack of surgical sterilization.

6) The name and business address of the Illinois licensed animal shelter or animal control facility or dog dealer from where the dog or cat was transferred to the pet or dog dealer.

#### Orland Park Enforcement

The Village’s Animal Control officer currently is responsible for checking on the

condition of animals at the pet store and can ask for licensed veterinarian records if animal appears to be in unhealthy condition. To date, the Village has not recorded issued any violations against Happiness is Pets. Some issues for consideration with the enforcement of a new ordinance include:

- The Orland Park Police Department does not have jurisdiction over suspected CBEs situated outside of our community or outside of Illinois.
- There is a lack of municipal resources in detecting or handling animal abuse or pets originating from large CBEs.
- A Code Enforcement officer can perform the inspection and licensing of the pet store, however our inspectors currently do not have sufficient animal training to confirm accuracy of pet store disclosures.
- The law of unintended consequences may apply by pursuing a local approach to a regional problem. While these regulations could help drive commercial breeders to pursue more responsible breeding operations, these are based on the premise that this will help with the euthanasia of thousands of adoptable dogs and cats and as a result of pet-owners adopting homeless animals from shelters instead of buying them. Another assumption is that "responsible" breeders will not be affected by legislation because they typically do not breed more than a few times a year. If regulation is introduced, they may be incentivized to change their operations and change their behavior. Finally, these ordinances do not affect the sale of animals via the internet, which some of the proposal's critics say is the source of many pets.
- If the Village of Orland Park considers this a public safety priority, it is important to note that the enforcement of ordinance violations does not rise to the level of a criminal complaint and this may not be enough to deter pet-store owners from selling suspected CBE animals.

Trustee Gira stated that she is very interested in hearing testimony. She added that Cook County and the City of Chicago's model have been looked at, and that a possible model for the village could be drafted for next Committee meeting.

Chicago Outreach Coordinator for the Companion Animal Protection Society, Dianne Arp, stated she wanted to respond to some of the comments that were made by Happiness is Pets owner Ron Berning. She commented that he stated that he offers a 1 or 2 year guarantee for the pets that are purchased at his store and that he suggests that he will take care all of the bills. She gave an example of an owner that paid \$2000 in vet cost due to purchasing a dog from Happiness is Pets with kennel cough and ear mites. Happiness is Pets denied reimbursing her and would only give the money back if she gave them a letter from the vet stating that the health issues were congenital. She referred to another owner who bought a dog from Happiness is Pets that paid over \$4000 due to the dog's knee problems. She too was denied reimbursement. She questioned if Ron Berning provides proof of genetic testing. She went on to say that there are many puppy millers that Mr. Berning has used in the past and as a result of a class action law suit he is not able to use them. She stated that if someone was to google his breeders they will see that they are in fact puppy mills.

Catherine Papadakis of 15700 Danford Lane, Orland Park stated that she hopes that Orland follows in Chicago's footsteps and bans the sale of puppy mill produced dogs. She then told her own personal story of her dog that passed due to being a puppy mill dog.

Richard Nixon of 5649 W. Kennedy, Peotone, IL stated that he is not trying to put anyone out of business and it isn't the pet store itself that's the problem. The problem is the places where these dogs are coming from. Mr. Nixon also stated that he was a humane investigator. He went on to talk about a bust of a puppy mill in St. Anne, IL that happened about three years ago. He said that the two women who ran the puppy mill had both been convicted of animal of abuse, yet they were still given a license from the Illinois Department of Agriculture. He commented that regulations and inspections do not mean anything because they are not done properly. He added that stores would not have to go out of business; they would just need to supply their animals from places other than puppy mills.

Trustee Gira asked Mr. Nixon who he has represented as a humane investigator.

Mr. Nixon stated that the state of Illinois has five paid investigators. He said that it was then suggested that a program be created for volunteers to be trained to do the same thing and not be paid. He said that he is a volunteer along with about 150 others. He said that the programs works through the Humane Society.

Trustee Gira asked if the licensing was done by Illinois or the United States Department of Agriculture.

Mr. Nixon stated that it was done through Illinois. He added that breeders have to be licensed in Illinois and the USDA. He stated that the USDA does inspections, but not very often. He then commented about how many dogs and cats have to be euthanized each year due to not having a home.

Carie Meyers, President and Founder of the Puppy Mill Project stated that she would like to know why Mr. Berning would use a breeder that is not operational. She was also curious to know why Mr. Berning is so anxious about his store closing if he does not use puppy mills. She went on to give percentages and numbers of the amount of puppies sold at Happiness is Pets.

Cate Bernhardt of 8659 W. 142nd St., Orland Park stated that she is a volunteer for a breed specific rescue in the Chicago area. She said that her rescue takes dogs from puppy mills auctions and owner surrenders. Her last foster came through a puppy mill auction and had legs that were bowed from being in a crate that was too small for him. She went on to talk about the many problems that her dog had as a result of being from a puppy mill. The overall problem being that she had to teach him how to be a dog because the dog was so scared.

Debbie Boranda of 1251 183rd Street stated that she was going to talk about a positive experience with Happiness is Pets. She stated that Happiness is Pets is not the problem and that they are a victim of a system that allows puppy mills to operate. She bought her dog Daisy from Happiness is Pet and that she has no physical problems. She added that Happiness is Pets is trying to ensure they do not receive their stock from puppy mills but rather from caring breeders that are following the law and regulations set by the Department of Agriculture. She believes that the Department of Agriculture should be setting stricter laws rather than having to close down pet stores.

Chairman Calandriello stated that he does not want commercial breeder establishments to be present in Orland Park to avoid the mistreatment of animals.

Trustee Fenton stated that she would be in favor of Orland Park creating their own ordinance. She stated that she believed that the problem goes back to the breeder. She added that Orland Park could use the county ordinance as a guideline for making adjustments were necessary.

Trustee Gira stated that she thought the county ordinance has many good ideas and information and that Orland Park could add to it and perhaps make it even better. She said she has issues with USDA requirements and what the definition of livestock is. She stated that it is beyond Orland Park. She commented that regular inspections are an issue as well.

Chairman Calandriello stated that it is a huge problem that should be addressed at the state and federal level. He commented that it seems that the village would like to have full disclosure of where the animal is coming from, where the breeder is, contact information, and all records that should be disclosed.

Trustee Gira stated that it is not acceptable to have breeders that you can't trace back to.

Chairman Calandriello stated that he does know that there is currently a disclosure law.

Trustee Gira stated that she would like it to be required in Orland Park that the information be posted to the puppies display case.

Chairman Calandriello stated that Orland Park just wants to make sure the right steps are taken towards having the correct information available. He said he would actually suggest adopting the city ordinance for two years upon passage of any ordinance that goes in front of the Board.

Trustee Fenton asked to suggest making a motion to send the item back to staff and have them look at the county ordinance in order to come up with some ideas and then bring it back when the draft proposal is prepared.

Trustee Gira commented that she agreed with that idea.

Chairman Calandriello stated that the Committee would not make any action this time and more information would be gathered.

**This item was for discussion only. NO ACTION was required.**

**ADJOURNMENT: 7:05 PM**

**A motion was made by Trustee Gira, seconded by Trustee Fenton, that this matter be ADJOURNED. The motion carried by the following vote:**

**Aye:** 3 - Chairman Calandriello, Trustee Gira, and Trustee Fenton

**Nay:** 0

**/AS**

APPROVED: June 16, 2014

Respectfully Submitted,

/s/ John C. Mehalek

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**John C. Mehalek, Village Clerk**