Evanston Environment Board
Regular Meeting – October 14, 2010 – 7:00 PM
Lorraine H. Morton Civic Center
2100 Ridge Ave, Room 2200

AGENDA
October 14, 2010

I. Approval of Minutes from September (*attachment*)

II. Citizen Comment
   a. General Citizen Comment

III. News
   a. Environment Receives SPCP ‘Hero’ Award
   b. Backyard Hens
   c. Wind RFI Update
   d. Veolia Transfer Station
   e. Board Vacancies

IV. Storm Water Management
Hal Sprague from the Center for Neighborhood Technology will be present to discuss an Illinois EPA Green Infrastructure Grant that could benefit Evanston.

V. Multi-Modal Plan Update/Roundtable
Susan and Hugh to present thoughts on possible EEB action for bike ordinance and/or bike parking initiative.

VI. Strategic Plan Discussion
   a. City Code (Update from Carl)
   b. Communications to Council

VII. Roundtable

NEXT MEETING – November 11, 2010

Please remember that Board members are expected to attend all meetings. Please contact Carl Caneva, 847-859-7831 or ccaneva@cityofevanston.org if you are unable to attend this meeting.

All meetings of the Evanston Environment Board are open to the Public. The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Persons needing mobility or communication assistance should contact Brian Barnes, Inclusion Specialist, Health and Human Services Department at (847) 448-2054 (Voice), bbarnes@cityofevanston.org or 847-448-8052 (TDD).
Thursday September 2, 2010

Board Chairs: Susan Besson, Paige Finnegan

Board Members Present: Susan Besson, Paige Finnegan, Suzanne Waller, Kevin Glynn, Eli Port, Anne Viner, Hugh Bartling

Board Members Absent: Daniel Biss, Gemariah Borough, Likwan Cheng, Susan Kaplan, Dan Cox

Community Members Present: Cindy Levitt, Patrick Conway, Chris Torres, Muffy McAuley, John Vinewebber

Staff Present: Carl Caneva Health Department

There being a quorum, the meeting was called to order at 7:08 p.m. by Chair Finnegan

I. Approval of Minutes from July motion approval by K. Glynn seconded by S. Besson. Minutes approved by a vote of 5 ayes 0 Nayes and 2 abstaining

II. Citizen Comment
   a. General Citizen Comment (Please sign in)
   b. Cindy Levitt regarding the Veolia Transfer Station.
      i. Ms. Levitt addressed the board regarding the transfer station located at 1711 Church. She stated the first morning she moved into the building her home "shook". She also stated there is a noise concern daily at 6am in violation of the current code. Ms. Levitt stated the odor is nauseating on some days. Ms. Levitt followed a Veolia truck on Church (August 13, 2010 10:00 a.m.) I dripped waste on Church Street. She stated she called IEPA without success. Ms. Levitt is looking for guidance, and suggestions on moving forward.
      ii. Mr. Conway addressed the situation at the transfer station as well. He indicated there is noise and odors are definite issues near the transfer station, he has also contacted IEPA without success. He stated everyone in the vicinity is affected. He also appealed for assistance with the Environment Board. He indicated there are no ordinances directed at the operation of a transfer station or the licensure of such a business.
      iii. Muffy McAuley addressed the transfer station as well. She stated Veolia promised they would erect a new structure to adhere to best practices. This has not happened. The walls that have been constructed have not removed the odors, flies, or noise. Ms. McAuley stated the transfer station is a health hazard and is filthy. She appealed to the committee to document the environmental impact and take the case to the IEPA Director for action. She also stated she has toured the area with the City Manager a few weeks
ago. Ald. Holmes and Ald. Baptiste are aware of the issue. The City Manager stated the City is in the process of negotiating a waste management contract. She requested documentation from the Environment Board to request a revocation of license to the State of Illinois.

iv. **Chris Torres** also addressed the issue. Mr. Torres stated he also has experience the noise and odors. He is concerned about his children’s health. He is also concerned about the misting agents being used to mask the odor. Church street plaza has 17 units and at least half have regular visitors that are children. He stated this is a neighborhood issue and he has spoken to residents as far as five blocks away that have experienced the odors. Mr. Torres cited an EPA document of recommendations for best practices (pages 36 and 37 attached). He believed they were violating the noise ordinance. Mr. Torres also appealed to the Environment Board for help. He asked for a City hotline to address the situation, he also asked to help keep Veolia accountable (waste, air pollution, air testing).

v. **John Linewebber** also spoke on the issue and offered a tour

vi. **E. Port** indicated the concerns could be easily directed by the City of Evanston. He further stated the City’s noise ordinance is broad and should be used. **E. Port** indicated Public Health issues should be addressed by **Carl Caneva** via the Health Department.

vii. **C. Caneva** stated the City of Evanston will perform inspections about the odor and noise and issue notices of violations and issue tickets

viii. **A. Viner** indicated that establishing documentation is a step in the right direction. She further stated the Pollution Control Board also addresses noise and odor. There is a complaint online that can be issued before an Administrative Hearing Officer. They can get assistance with Air Quality tests, Noise monitoring, and Odor Monitoring. There is also an Administrative Adjudication step that will require testimony. She stated the permit violations could be addressed by IEPA. **Ms. Viner** indicated the Zoning Variation should also be reviewed to check if the Variance is being followed.

ix. **K. Glynn** indicated there is nothing in the municipal code addressing waste handling.

x. **C. Caneva** will research the Zoning Variation and provide the Board documentation at the next meeting.

xi. **C. Caneva** described the administrative adjudication process

xii. **C. Caneva** indicated he will follow-up with the Health Concerns

xiii. **A. Viner** stated the Aldermen of the wards affected should be sent to IEPA, and copy J. Shakowsky as well as Tammi Mitchell at IEPA.

III. News

a. **C. Finnegan** announced, **Carolyn Collopy** resigned her position as Sustainable Programs Coordinator, effective August 27th. Her position has been posted and is open.

b. **C. Finnegan** announced Backyard Hens is scheduled for action at council September 13, 2010
c. **C. Finnegan** stated the City of Evanston is working on getting the responders to Wind RFIs to present responses in a public meeting. **C. Finnegan** questioned how this would be reviewed, and if the board should be the reviewers. **C. Finnegan** asked if the board should be reviewers. **K. Glynn** indicated the board could develop a scoring matrix and oversee the process. He stated the RFIs could be passed on to a more technical board for review. **K. Glynn** indicated the RFQ would be considerably more technical. **K. Glynn** asked if there were other boards doing similar work, reviewing the document. **C. Finnegan** indicated the boards do review the work. **K. Glynn** indicated the Energy and Electric Board would become involved in the RFQ. **K. Glynn** motioned the board request involvement in the issue from the City Manager, **Anne Viner** seconded, **motion passed unanimously**

d. **Chair Finnegan** announced the Safer Pest Control Project Fundraiser Honoring Evanston Environment Board and the Sustainable Pest Control Resolution, Friday, October 8th at SPACE.

e. **Chair Finnegan** announced the Green Living Festival, October 2nd at the Ecology Center.

f. **Chair Finnegan** announced Bike the Ridge, October 3rd.

g. **Chair Finnegan** announced a Carrotmob, October 9th at Lemoi sponsored by the Citizens for a Greener Evanston. It was described as a carrotmob to support businesses making change (carrotmob.sanfrancisco)

IV. Multi-Modal Plan Roundtable

a. **S. Besson** asked for discussion from the Board, with focus on transportation and collaboration.
   i. Adopting a bicycle parking ordinance
   ii. Establishing a bike rack request system

b. **H. Barting** stated his interest in the bike issue particularly the parking as it falls under the zoning/land use. He indicated policies were already in use in Vancouver and San Francisco. He was interested in the type of racks. He indicated the goals should be visibility and usability.

c. **A. Viner** inquired as to where the bike racks come from are they required. Does the City of Evanston own racks on the sidewalk.

d. **K. Glynn** stated the City Code indicated SPARC can compel developments to include bike parking. **C. Finnegan** indicated the City of Evanston does give directions to developer as to the type of rack.

e. **S. Waller** this is just for new construction, or for any buildings.

f. **E. Port** asked if the City of Evanston buys bicycle racks. He also wondered if there might be a sidewalk blockage issue. **C. Caneva** will research if the City of Evanston buys bicycle racks.

g. **S. Besson** looked into funding opportunities from the City of Evanston.

h. **S. Waller** stated she will meet with the Sustainability working group at NU.
   i. **K. Glynn** indicated there is a need for more bike paths.

j. **K. Glynn** asked about addressing permeable alleys paving

k. **H. Bartling** informed the board a class of his at DePaul University has looked into bicycle sharing.
V. Strategic Plan Discussion  
   a. **C. Caneva** offered a City Code update indicated City Attorney Grant Farrar will be addressing the issue and he will update when Mr. Farrar returns from vacation.

   b. Outreach – **Chair Finnegan** discussed outreach not being a primary goal of the board as many groups are taking the lead on this. **S. Besson** indicated the primary audiences of the board are the Mayor, Council, and Human Services Committee. The consensus was to plan once or twice-annual updates on EEB activities to the City Council.

VI. Roundtable  
   a. **Chair Finnegan** stated Gemariah Borrough has resigned her position leaving the board at 11 members.
   b. **S. Besson** passed around a contact sheet and requested it be amended with any changes
   c. **C. Finnegan** announced the City of Chicago is hosting the Greenbuild Expo.
   d. **A. Viner** will attend a seminar on Green Building ordinances.

Motion to adjourn by **A. Viner** seconded by **S. Waller** meeting adjourned at 8:37 p.m.

NEXT MEETING – October 14, 2010
AN ORDINANCE

Amending Various Sections of Title 9, “Public Safety,” Chapter 4, “Dogs, Cats, Animals, and Fowl,” of the City Code of the City of Evanston and other Related Sections of the City Code

WHEREAS, Title 9, Chapter 4, Section 5 bans the keeping of all poultry including hens within City limits; and

WHEREAS, The City has the power to amend its Ordinances; and

WHEREAS, It is the will of the People of the City of Evanston and the City Council to allow for the keeping of hens within the City limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Title 9, “Public Safety,” Chapter 4, “Dogs, Cats, Animals, and Fowl,” Section 5, “Certain Animals Prohibited” of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

9-4-5: CERTAIN ANIMALS PROHIBITED:

A. It shall be unlawful, and is hereby declared a nuisance for any person to keep or allow to be kept any animal of the species of horse, mule, swine, sheep, goat, cattle, poultry (with the exception of hens as herein provided), skunks, or poisonous reptiles within the corporation limits of the City of Evanston.

B. Hens shall mean the female of the species Gallus Gallus Domesticas.

C. It shall be unlawful to keep roosters within City limits.

1. The number of hens allowed shall be no less than two (2), and no more than six (6).

2. Any structures housing hens shall be termed an “Accessory Structure” as defined in Title 6, Chapter 18, Section 3 of the Evanston City Code, and shall abide by
all requirements set forth in Title 6, Chapter 4, Section 6-2, "General Provisions for Accessory Uses and Structures," and Title 5, Chapter 1, "Property Maintenance Code" of the Evanston City Code.

3. Applicants shall register with the Illinois Department of Agriculture Livestock Premises Registration, and must have proof of registration on site.

4. Care for hens shall follow the provisions set forth in this Chapter.

5. Hens shall be kept in such a way so as not to cause a nuisance as defined in Title 1, Chapter 3, Section 2, and enumerated in Title 8, Chapter 4, Section 1 of the Evanston City Code and shall be kept in conformance with the following requirements:

   a. Hen yards and coops shall be constructed and maintained to reasonably prevent the collection of standing water; and shall be cleaned of hen droppings, uneaten or discarded feed, feathers, and other waste with such frequency as is necessary to ensure the hen yard and coop do not become nuisances as defined in Title 8, Chapter 4, Section 1 of the Evanston City Code.

   b. Hens shall be kept in an enclosure which shall be maintained in such a manner so as to protect the hens from predators and trespassers.

   c. Hen coops shall be built and kept in such a manner so as to allow for easy ingress and egress for the hens and shall offer protection from weather elements including cold temperatures.

   d. Hen coops and yards shall be large enough to provide at least four (4) feet per hen.

6. Licenses for coops must be obtained and shall meet the rules of this Chapter where applicable.

   a. Prior to a license being granted to an applicant, the applicant must show proof of notice to all adjacent landowners except landowners that are municipalities or utilities.

   b. A license shall not be granted unless the applicant has obtained all necessary building permits and can show proof that a hen yard and coop that comply with this section have been erected.

   c. Coop licenses shall not run with the land.

   d. Applications shall be submitted to the City of Evanston Public Health Director who shall have the authority to enforce this ordinance.
e. An applicant who lives in an apartment or condominium building is not eligible to receive a coop license.

f. No more than twenty (20) valid coop licenses shall be active within the City of Evanston at any given time for the first calendar year that this ordinance is in effect.

7. No person shall slaughter any hen, or any other animal, within City limits. Nothing in this ordinance is to be interpreted as prohibiting any licensed establishment from slaughtering for food purposes any animals which are specifically raised for food purposes.

8. Any person found to be in violation of this Ordinance shall be fined not less than $50.00 nor more than $750.00 for each offense. In the event that an owner is adjudged to have three (3) violations of this Ordinance, the owner's coop license shall be revoked. Each day an owner is not compliant with this ordinance shall constitute a separate offense.

SECTION 2: That Title 9, “Public Safety, Chapter 4, “Dogs, Cats, Animals, and Fowl,” Section 4, “Certain Animals Prohibited” of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

9-4-4: LICENSE FEES:

(A) General: Upon furnishing of the information required by section 9-4-3-4 of this chapter and a showing by any applicant for a license that he or she is prepared to comply with the regulations promulgated by the finance director, a license shall be issued following the payment of the applicable fee as follows:

- Hen coop fee: $50.00
- Neutered dogs and cats: $10.00
- Dangerous dogs: $100.00
- All other cats and non-dangerous dogs: $15.00
- Each kennel or pet shop, covering all animals kept during the year: $60.00
- Any zoological garden or animal act, covering all animals kept: $120.00
No fee shall be required of any humane society, veterinary hospital, or municipal animal control facility.

SECTION 3: That Title 6, "Zoning", Chapter 4, "General Provisions for Accessory Uses and Structures" Section 6-2 of the Evanston City Code of 1979 is hereby further amended to read as follows:

6-4-6-2: GENERAL PROVISIONS FOR ACCESSORY USES AND STRUCTURES

(B) Accessory uses shall be compatible with the principal use. Accessory uses shall not include a kennel or an accessory building for the keeping or the propagation of livestock. (However, dog runs and hen coops shall be permitted as accessory uses.)

SECTION 4: That Title 6 "Zoning", Chapter 4, "Allowable Accessory Uses and Structures (Detached from Principal Structure)", Section 6-3 of the Evanston City Code of 1979 is hereby further amended to read as follows:

6-4-6-3: ALLOWABLE ACCESSORY USES AND STRUCTURES (DETACHED FROM PRINCIPAL STRUCTURE)

(B) Table 4-A - Permitted Accessory Buildings, Structures And Uses:

Table 4-A includes yard obstructions (see subsection 6-4-1-9(B) of this chapter) attached to the principal or a secondary structure as well as freestanding accessory buildings, structures, and uses.

25. Sheds and storage structures for garden equipment (sheds for propagation or keeping of birds, poultry (except hens), or livestock are prohibited)

SECTION 5: That Title 8 "Health and Sanitation", Chapter 4 "Nuisances", Section 1 of the Evanston City Code of 1979 is hereby further amended to read as follows:

8-4-1: ENUMERATION OF PARTICULAR NUISANCES

(F)Animals And Fowl:
1. Keeping Chicken or Hen Coops, Stables, Privies In Filthy Condition: To keep, or suffer to be kept, in a foul, offensive, nauseous or filthy condition any chicken or hen coop, cow house, stable, cellar, vault, drain, pool, privy, sewer or sink, upon any premises belonging to or occupied by any person or any railroad car, building, yard, grounds and premises belonging to or occupied by said person.

SECTION 6: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: That this Ordinance 23-O-10 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: August 9, 2010
Adopted: September 27, 2010

Approved:

October 6, 2010

Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar, Corporation Counsel