I. CALL TO ORDER
In the absence of Alderman Bernstein Alderman Moran chaired the meeting and called the meeting to order at 7:20 p.m.

II. APPROVAL OF THE MINUTES OF THE FEBRUARY 20, 2006, MEETING
The minutes of the February 20, 2006 meeting were called and unanimously accepted (4-0).

III. CONSIDERATION OF FEBRUARY 2006 TOWNSHIP MONTHLY BILLS
Alderman Holmes motioned for approval of the February 2006 Township monthly bills, seconded by Alderman Tisdahl. Motion unanimously approved (4-0).

IV. CONSIDERATION OF CHANGES TO SIDEWALK CAFÉ ORDINANCE
Ms. Aiello noted at the end of the season some time was spent talking to the people operating the sidewalk cafes and looking at some of the issues that arose from those discussions. The predominant request from the people, particularly for Type II restaurants, was also having to go to P & D and Council to have their applications reviewed causing the process to take up to 6 weeks, and asked if there is any way this could be done administratively. It is important to know that part of that review process is not only with Site Plan, which has most of the departments represented, but also with the Health Department. Ms. Aiello noted if the committee agrees some of the background and issues that have arisen have been set forth with some recommendations that will be worked into an ordinance agreeable to Council. We’re asking that Type II restaurants which have previously had licenses without any issues go through the process with the Site Plan Review and then be approved administratively. Type 1 restaurants outside the core, (downtown) which serve liquor, are required to be approved by P & D. If there are no complaints or issues with litter, or trash dumpsters particularly in the downtown area during the season, the next season that Type II restaurant could be approved administratively.

The current technical change is we’re asking for five (5) feet unobstructed setback space. During the course of the summer we know that they inch out which is why we and would like to have a six (6) foot requirement unobstructed that will have to be approved by Traffic Engineering and Public Works. Chicago has six (6) feet, Oak Park and Wilmette have five (5) feet, we would like to request the increase to six (6) feet. We also want to change some of the language to clarify the issue of access for people with disabilities and animals. Last summer we had a report that an individual with a Seeing Eye dog was denied access because we don’t allow dogs in the sidewalk café area and want to clarify that Seeing Eye dogs for people with disabilities are allowed. During the summertime there are ropes that delineate the area of the cafes. Also, the cafes are supposed to take the furniture in at night but they have been piling the furniture into a corner. We have not been siteing that but would like to charge a little extra for that because they are using the public sidewalk and right of way for a longer period of time. We would also like to clarify the language relating to the umbrellas and canopies as there has been some confusion regarding that.

Currently we only inspect in relation to complaints but would like to have a more routine inspection schedule as that would help in relation to doing the approval administratively. Ms. Aiello said that is a brief summary of the issues presented and would be happy to answer any questions.
Alderman Tisdahl asked if the five (5) feet versus six (6) feet setback would preclude any existing sidewalk cafes as she does not want to preclude anyone in voting for this. Ms. Aiello some language that we do not want to preclude anyone will be included, but wants to squeeze out as much space as we can. Alderman Tisdahl’s only other concern was regarding litter to which Ms. Aiello said they do that at Site Plan Committee and if inspections are increased at least once a week they will see the litter and try to remind people.

Alderman Holmes’s question was in terms of scheduling inspections. Ms. Aiello said Community Development does it on Monday and our office will do it one day at the end of the week. Alderman Holmes asked what Ms. Aiello has in mind clarifying the language in the ordinance with the encroachment of the canopies and umbrellas. Ms. Aiello said they were put in right at the edge so they might be encroaching onto what is supposed to be unobstructed and we will make it very clear that all umbrellas and canopies have to be within that six feet space.

**Alderman Moran called for the committee’s approval of the considering the recommendation for changes to the sidewalk café ordinance, the committee unanimously approved the recommendation (4-0).**

**V. CONSIDERATION OF PROPOSED PARK ORDINANCE AMENDMENT 15-0-06**

Mr. Gaynor noted some time ago a number of the park ordinances were amended and when they were codified found some minor modifications were needed. There are four recommended changes for example; changing the name of Nichols Park in existing code to Fitzsimons Park, and Mulford and Florence tot lot in existing code to the Levinson tot lot. Alderman Moran asked Mr. Gaynor if he has discussions with the aldermen who represent the effective areas, to which Mr. Gaynor responded, no, as these are housekeeping changes.

**Alderman Moran called for approval of the proposed recommendations; the committee unanimously approved the recommendations (4-0).**

**VI. CONSIDERATION OF PROPOSED 2006 CALENDAR OF SPECIAL EVENTS**

Mr. Gaynor remarked this is their annual walk through with the Human Services Committee; this same calendar will then go before the A & PW Committee. Events that require street closures require going through the A & PW Committee, the balance come through the Human Services Committee. The recommendation for approval is contingent upon meeting the criteria set forth by the City Council’s special events policy. The only action other than our recommendation to approve is regarding a proposed event by the North Shore Anti War Coalition that has requested Fountain Square with an estimated attendance of 400 people. They are requesting waiver of the fees that includes the standard special event fee of $100, the $50 park fee as Fountain Square is by ordinance a park, and whatever additional costs that would be incurred for the police or public works efforts. This would entail closing down at least one of the thru streets that could be affected, Sherman, Orrington or Davis, which the Police Chief has notified us he is prepared to do. They would also need a loud speaker permit.

Alderman Moran asked how this has been handled in the past to which Mr. Gaynor responded; a year ago Council did waive the fee. We have had to modify what they wanted to do because this type of event doesn’t fit Fountain Square. At some point in time we will have to address that Fountain Square is a very highly visible location, which is very good for these types of events, except the Council has to make a policy decision because there could be a large rally of several thousand that would shut down that entire area. There needs to be a decision that even though this is a visible location for rallies is it an inappropriate location for rallies. This event is scheduled to take place in a couple of weeks and we need to take action on this. Alderman Moran was interested in the prior instance when all the fees were waived.

Alderman Tisdahl said she supported waving the fees but would like to point out if they are waived again we will have to waive them for every group who wants to rally there whether we agree with the rally’s purpose or not. Alderman Moran said he did not have a strong feeling pro or con but what is being presented to us is the notion of treating everybody the same or not. In his mind we have to treat people the same and we need to understand that equality and fair handedness comes into play here.

Alderman Jean-Baptiste agreed with Alderman Moran but said not every group is making that request and not every group will have short term utilization of that kind of venue. When the Anti War Coalition meets its over in a couple of hours. In this case the rally is March 18th from 12:00 to 1:30 p.m. Each group has a different need and we should try to take that into consideration at the time they make their request.

Alderman Holmes recalled the fees were waived because of circumstances regarding timing. If you’re expecting that many or even half as many people you can pass the hat and collect some money to at least help pay for the loud speaker fee or something. She does not see waiving the entire fee.
Alderman Jean-Baptiste brought up that they provide insurance and asked what exactly will be the fees. Mr. Gaynor said the fee is $100 plus the $50 park fee, but does not know what the cost would be for police officers. As he interprets the Chief’s memo he feels he can accommodate this event with his existing patrolmen. However there may be barricades that would have to be brought out and picked up, that may be a cost to Public Works but does not think is significant. A number of times barricades were dropped off on the corners that police department set up when they get there, then take them down and the next regular work day we pick up the barricades, so he does not know see that as that as a cost. Alderman Moran thought maybe charge them $150 and not charge for the extra compliment police service and avoid the problem. Alderman Jean-Baptiste said unless they appeal that and come back to us then we have to consider this. Mr. Gaynor noted that is the only issue in their recommendation. There are a number of other events that they have not been able to negotiate but the policy is there and the groups clearly understand what the program is about.

Alderman Jean-Baptiste remarked he was happy to see two additional Starlight Concerts at Twigg Park on the events calendar. Mr. Gaynor said the two new concerts were added when the budget was approved.

**Alderman Moran called for a motion to approve the proposed 2006 Calendar of Special Events. Alderman Tisdahl moved approval, seconded by Alderman Jean-Baptiste, motion unanimously approved (4-0).**

**VII. CONSIDERATION OF PROPOSED 2006 CULTURAL FUND GRANT AWARDS**

Mr. Gaynor noted the Arts Director Jeff Corey is in attendance and has shepherded this process for the past several months with the Sub Committee of the Arts Council. It is the same as the previous process when the artists come and weigh all of the applications and proposals. This year the recommendation is to spend all the money.

**Alderman Tisdahl moved approval of the proposed 2006 Cultural Fund Grant Awards, seconded by Jean-Baptiste, motion unanimously approved (4-0).**

**VIII. CONSIDERATION OF A REFERENCE TO AMEND THE INDOOR CLEANAIR ORDINANCE**

Alderman Tisdahl said she requested the committee revisit this as we all said we needed Chicago to do this and Chicago did. She wanted to follow the Chicago plan except for item 7-32-080, “Where Smoking is not Regulated,” under Number 7, and talks about air filtration and purification and does not want people installing huge devices and then saying it didn’t work making them take it out. It should be addressed that if and when the technology exists to make it viable, as right now it does not exist. Alderman Tisdahl thought our plan should be the same as Chicago’s with the exception of that paragraph.

Alderman Holmes thought the schedule is critical. She asked what this means in reference to Alderman Bernstein’s recommendation, made at the last meeting, that the state become smoke free. Alderman Moran did not think it would change anything as we are still recommending to the legislature that they adopt a statewide ban. Alderman Tisdahl added we are just saying that if some little town in Southern Illinois doesn’t want a statewide ban, we want a ban anyway.

Alderman Moran called upon those in attendance who wished to speak in support of the smoking ban.

**Marge Gambow, 927 Michigan Avenue,** a breast cancer survivor and a volunteer for the American Cancer Society Reach Out for Recovery Program. She is here representing herself and other survivors. Ms. Gambow quoted from the California Environmental Protection Agency Resources Board study dated March 2, 2005, that proposed identifications that environmental tobacco smoke is a possible toxic air component. In that report, based on 1000 studies of second hand smoke and list a range of hazardous health affects associated with it, one of the most notable is the connection made between second hand smoke and breast cancer. Based on the best studies available researchers say exposure to secondhand smoke can increase a woman’s risk of breast cancer by up to 90%. The study also states the casual relationship between secondhand smoke exposure and breast cancer appears to be greater for pre menopausal breast cancers. The report states higher risks were noted for breast cancer diagnosed in women under 50, women exposed before puberty and women who are exposed prior to their first pregnancy. In her own case breast cancer was not one of her risks. She did everything right, she never smoked, didn’t drink, ate well, exercised, stayed a good weight and was diagnosed with breast cancer at the age of 55. She is here tonight because she never wants another person to sit in an office and hear that they have been diagnosed with cancer. Her personal family’s great risk was heart disease. She is here to support the ban and anything we can do to eliminate the risk is very important for our daughters and brothers and sisters.

**Don Ziegler,** wanted to commend the City Council for recommending to the state that the state of Illinois goes smoke free. He appreciates that and the sentiment of Alderman Tisdahl to have Evanston go smoke free sooner. Alderman Tisdahl asked him to get an update on the smoking ordinance passed in Evanston in June of 2004, what is happening in Chicago, Skokie, and elsewhere and what are the implications for Evanston. **See Attachment A. for Mr. Ziegler’s comments.**
Melisa Leasia, lives at 2127 Maple Avenue for 28 years, wanted to share a little anecdote with the committee under the category of why wait. She made the argument several times in 2004 when we did this that it would make sense for Evanston to lead the way and not wait Chicago and some of the other communities changed their laws. Just a few weeks ago she had a family reunion at her home due to a death in the family and had over 35 people in for the weekend. About 20 of those people were in the age group between 20 and 30 and all decided to go out one night to a bar. She was very proud that they chose designated drivers and drove into the City of Chicago to visit a smoke free bar, the Charleston a Chicago tavern classic. This group of young people traveled to this smoke free bar and could not get in it was so crowded. See Attachment B. for what Ms. Leasia printed off their website.

Meg McClaskey, a Clinical Medical Ethics Consultant and a Chaplain and said she has presented in this context before. See Attachment C. for Ms. McClaskey’s comments.

Alderman Moran noticed faces of people in the audience who have not spoken here tonight, who have advocated in the past and are somewhat disappointed in our trust of this issue. There is a great deal of momentum on the part of the Alderman Moran noticed faces of people in the audience who have not spoken here tonight, who have advocated in the past and are somewhat disappointed in our trust of this issue. There is a great deal of momentum on the part of the

Alderman Tisdahl asked Alderman Moran if he’s saying he thinks it’s the right thing to do right now and doesn’t want to do it on the same schedule as Chicago. Alderman Moran said he is not sure that he came here tonight to confront the notion of whether we drop the hammer in the next few weeks as opposed to the bar schedule. He does not know what he wants to do right now as there might be other things we can do in relation to it, and does not think he’s prepared tonight to tell people to stop tomorrow or after the next City Council meeting, that’s something we need to think about.

Mr. Terry said the Chicago ordinance talks about a bar as having 65% of gross sales in alcohol which is not language in our ordinance. We don’t define a bar that way, in fact a bar, per se, is not defined in our smoking ordinance. We just talk about bar areas of restaurants; they define restaurants at bars up to 15 feet from the bar. If, in fact, we want to hold off an implementation date for 2008 we would have to craft our own language defining who it is we’re holding off until 2008. Judging by the tenor so far on those rare places where Chicago’s ordinance is currently stricter, and where Evanston’s ordinance is stricter than Chicago’s, we want to leave Evanston as stricter. We also have the nursing home issue because Chicago did not exempt nursing homes. The only issue Mr. Terry raised was to point out we have the two facilities for the chronically mentally ill where smoking is allowed in those facilities and to ban it completely while making public health sense raises the specter of creating a community issue. This decision does not have to be made tonight but that’s why we have exempted nursing homes.

Alderman Moran asked Mr. Terry if he’s had discussions with the management of those facilities about such a ban. Mr. Terry responded, not yet but he’ll be happy to do that and will let the committee know how they feel about it. Alderman Tisdahl said she does not want to propose banning smoking at the facilities without hearing from them. Alderman Jean-Baptiste commented the last time when this was deliberated over, they did say when Chicago goes that way we’re ready to go. It was an economic decision that we made and we’re prepared to advance this before the City Council. Alderman Tisdahl asked Mr. Terry if he told restaurants and bars that the committee would be discussing this issue. Mr. Terry responded he had told some but did not do a blast email or fax as there is no ordinance on the table tonight. If the committee’s direction is to draft an ordinance that can be done and brought back to the committee. Alderman Jean-Baptiste said the restaurants and bars can be invited to the next Human Services Committee meeting. Mr. Terry asked if the committee is proposing a different date in the drafting of the ordinance. Alderman Jean-Baptiste remarked the Chicago language deals with free standing bars and restaurants. Mr. Terry noted two items from the Chicago ordinance; one is bars with 65% gross sales from alcohol, which he does not believe anybody fits except the Blues Club has that potential. The ordinance then says restaurants at bars up to 15 feet from the bar area which he not quite sure what that means but will get some further definition on that. Those are the two items held off until July 1, 2008. There is an assumption that for some in Chicago by 2008 the technology for air purification will get to the point where it says provide the same as outside ambient air which most are skeptical will happen. Alderman Moran thought we’re clear we are not going to put that language into our ordinance and asked Mr. Terry when drafting of the ordinance if he could highlight the decision points that we haven’t gotten to tonight and which will be the focus of our discussion at the next committee meeting.

Darlene E. Morris, has been a resident of Evanston for more than 50 years and lives at 810 Dobson. She is an educator, classroom consultant, teacher, and also a four year breast cancer survivor. Ms. Morris said she is here to encourage you to move in the right direction making Evanston a smoke free community for the reason that secondhand
smoke or passive smoke does contribute to the risk of breast cancer. We need to have people survive in our country as long as they can and being an educator wants children to be in a healthy, joyful community and would like Evanston to ban smoking in bookstores, cafes, any place that families go and enjoy life. She also would like to ask if we do allow smoking in some areas that the doors be closed and ventilation is installed so that the smoke is not coming out into the sidewalk area or going out into people’s homes that live close to that area. Her mother was a smoker for 40 years, she never smoked, there was no other cancer in her family she’s the first one to get breast cancer. The journey is rough; she represents Sisters’ Network, African American women who have gone the journey of breast cancer, Susan Coleman Foundation, and the City of Hope, as well as American Cancer Society here in Evanston, as a Reach Volunteer. She really encourages the committee to go forth with this as soon as possible because we need to have our community healthy.

Catherine Counard, M.D., of 217 Kedzie, said she thought Alderman Holmes was the only Alderman that did not hear from her personally during the last attempt to have Evanston go smoke free. She is here representing the medical community. After the last hearing both hospitals came out in agreement, their Chiefs of medical staff, over a dozen physicians who provide medical care, two residents of Evanston all came and testified about the risk of secondhand smoke and how it negatively impacts the health of people in Evanston every day. If the committee could move forward with this as quickly as possible, better than 2008, we greatly appreciate it, it will save lives.

Mr. Ziegler asked Alderman Moran to clarify what the committee is recommending to which Alderman Moran said they are recommending the adoption of an ordinance that will no give back any of the more stringent requirements in comparison to the Chicago ordinance. We will adopt the majority of the Chicago ordinance where it would be stricter than what we have in our current ordinance. There are a few outstanding issues about wind down time and how we will define areas that have a grace period. It appears there a couple of definitional aspects we have to address which depends on what the wind down time will be. If there is no wind down time or if it’s a short time it becomes less of an impact. There a few outstanding issues that will be discussed at the next Human Services Committee meeting when we actually have a draft ordinance. Mr. Ziegler said the key point Alderman Tisdahl made was the same date as Chicago and asked if the committee is considering something different. Alderman Moran said he will, but could not speak for the members of the committee and does not think the part in the Chicago ordinance about the equipment will be in the ordinance. Mr. Ziegler said neither did he as there is no technology that will ever be able to have 100% outside circulation.

Alderman Moran stated there will be a draft ordinance at the next Human Services Committee meeting, April 3rd, which will try to define these outstanding points and we will then make a recommendation to City Council.

IX. ADJOURNMENT
Alderman Moran thanked everyone for their attendance and adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Audrey Trotsky, Department of Health and Human Services