MEMBERS PRESENT: Aldermen Holmes, Jean-Baptiste, Moran and Tisdahl

MEMBERS ABSENT: Alderman Bernstein

STAFF PRESENT: Doug Gaynor, Carla Bush, Elke Purze, Jay Terry, and Audrey Trotsky

OTHERS PRESENT: Rosemary Jean-Paul, Evanston Township; Steve Lupton, Environment Board;
(See Attached list of Attendees)

PRESIDING: Alderman Jean-Baptiste

I. CALL TO ORDER
The meeting of the Human Services Committee was called to order at 7:10 p.m. by Committee Chair Alderman Jean Baptiste.

II. APPROVAL OF THE MINUTES OF THE MARCH 6, 2006, MEETING
The minutes of the March 6, 2006 meeting were called and unanimously approved (4-0). Alderman Moran was not present at this time.

III. CONSIDERATION OF MARCH 2006 TOWNSHIP MONTHLY BILLS
Alderman Tisdahl questioned the suspension of 6 clients for 90 days. Ms. Jean-Paul explained that was because of violation of regulations. Either they don’t provide residency or they give false information about residency and are denied because of that. They are also terminated due to employment or failing to submit information from employment.

Alderman Jean—Baptiste call for a motion to approve the March 2006 Township monthly bills, motion unanimously approved (4-0). Alderman Moran was not present at this time.

IV. CONSIDERATION OF THE NOYES CULTURAL ARTS CENTER B9 STUDIO CO-LEASE
Mr. Gaynor said this was a straight forward co-lease as Sara Piepmeir, the tenant, indicated she could not afford to stay in that studio on her own but would be able to remain there if she had someone to share the studio. Jonathon Rutledge, an accomplished jeweler, got together with Ms. Piepmeir to share the space. Alderman Bernstein had a legal question about joint and severable liability and asked what would we do if one of the tenants does not perform as they each have certain responsibilities in terms of payment of rent and community service. Mr. Gaynor responded they are both held responsible because they both have leases. Alderman Bernstein said customarily in a joint tenancy situation two parties are equally responsible for payment of all the rent and asked if Ms. Piepmeir is underwriting Mr. Rutledge because what will happen if he walks away, to which Mr. Gaynor responded, Ms. Piepmeir would be responsible. Alderman Bernstein said he did not see that in the contract. Mr. Gaynor said he would make sure of that before bringing this before the Council. Alderman Jean-Baptiste suggested running this past Mr. Hill and also finding out whether this was the tenant’s intent because as Alderman’s Bernstein questioned are either of the two parties each responsible for the entire obligation or is there a specific person responsible for the entire obligation.

Alderman Holmes recalled this is not the first time something like this has happened. We’ve had co-leases like this in the past and wondered how this was handled. Mr. Gaynor said it was handled as a co-lease but will double check that and in two weeks will bring it to Council with a sublease or co-lease that will satisfy Alderman Bernstein. Alderman Bernstein remarked nobody has ever defaulted, the question is about the community service and whether or not that was adequate is pretty subjective. Alderman Jean-Baptiste said they should both be responsible for the joint liability and whichever one we get access to, if we need to collect, is the one to go after.

Alderman Jean-Baptiste called for a motion to approve the Studio B6 sublease noting that it will be based on the language from the Legal Department. Alderman Bernstein moved approval, seconded by Alderman Tisdahl, motion for approval unanimous (4-0). Alderman Moran was not present at this time.
V. DISCUSSION WITH THE EVANSTON ENVIRONMENT BOARD

Steve Lupton, Co-Chair of the Evanston Environment Board, wanted to take this opportunity to report on a number of issues of great interest to the community of Evanston which the Evanston Environment Board has been involved in during the past 12 months. The Environment Board has been working with City staff trying to get the IEEC 2003 Energy Efficiency Code adopted for commercial buildings in the City of Evanston and is very happy to say City Council approved adoption at their last meeting. IEEC guidelines will be self enforced by the developers in Evanston that will introduce energy efficiency in the design and construction of commercial buildings. (At this time Alderman Moran entered the meeting.) The code was already in effect for residential buildings and has now been adopted for commercial buildings. New buildings in Evanston are being built with a code that will enable reduced cost for operation and maintenance of these buildings. One of the chief goals for the IEEC, as well as having a direct positive effect on the environment by reducing consumption of energy and resources, is the code also helps reduce the operating costs of the building for residents. Developers’ main goal is to keep costs to a minimum making it more economically viable for them to build the building. However, traditionally much less focus has been put on the operating costs of that building. The costs of heating, providing lighting, waste removal and recovery should now be reduced with this code because less energy will be used in both the heating and lighting and also waste reduction will be minimized. The residents of those buildings should see lower usage in costs than had been expected in the past. We tried to emphasize to the City staff this is not just something that is good for the environment but is also good in terms of economic benefit for the City.

The next program the Environment Board was involved with was the Lake Michigan Watershed Ecosystem Partnership. A sponsoring organization for the Illinois Department of Resources C2000 grants. These grants are made available by the state to support environmental restoration projects. Our emphasis with the City of Evanston is to try to focus on Lake Michigan to look at where the Environment Board can work with the partnership to sponsor grants that will enable the restoration of the lakeshore environment. These activities could include restoring some of the dune environment on the lakefront, which are areas of large boulders, and try to restore them into a more natural environment that involves plant life and dunes in front of the Evanston lakeshore. It can also involve recreational activities such places where residents can fish on the lakefront to improve the habitat for native fish species. It would also include educational activities working with the Ecology Center to try and sponsor programs for school children enabling them to do environmental studies and appreciation of the Lake Michigan ecosystem.

Their next issue of their involvement was important to the City of Evanston’s Strategic Plan. The Environment Board feels the City should work to adopt an environmental management system that is part of the City’s Strategic Plan, a mechanism by which the City can track and measure its ability to meet certain environmental goals that could include reduced energy costs and waste generation, track its progress and be certified as a community that holds environment protection as one of its key goals. We would like to see that built into the City’s Strategic Plan in a formal way. This could also include environmental procedures when it comes to construction and other activities in the City.

Last year we were involved in the elm tree fungicide issue of reviewing some of the environmental aspects of the elm tree inoculation program. They reviewed some of the technical data on the use of Arbotect which is a fungicide, and came up with guidelines for the use of that fungicide that are protective of the environment. We identified one of the main concerns is the aquatic toxicity of that fungicide and should be used carefully so that it is not flushed down the sewer system or the storm water system where it could impact the channel or the lakefront aquatic communities.

Another issue we became involved in last year was the construction of old landfill sites in Evanston. Many of the parks in Evanston are built upon the caps of old landfills, for example, Robert Crown, James Park, and Lovelace Park all historically landfills in the City of Evanston. Last year some construction work was conducted at Lovelace Park that involved excavating the park and digging down past the benzonite clay cap that was put on that landfill when it was closed. Some local residents were very concerned with the procedures being used in that construction and came to the Environment Board asking us to help evaluate some of the procedures that were in place. As a result we came up with some guidelines to be reviewed by City staff, the Parks and Forestry Department and the Public Works Department to try to come up with a procedure for implementation.

Some of the activities we will become involved with in the following year include any City approval for permeable pavers. Currently the regulations do not permit the use of permeable pavers in alleyways or driveways. Permeable pavers allow storm water to percolate through the surface of the driveway or parking lot and go naturally into the soil. Now with concrete or asphalt the rainwater cannot permeate that material and it runs off and enters the storm water system resulting in the high flows we experience during storm events. Permeable pavers would reduce the storm water runoff because it would enable the rainwater to run off or actually percolate into the ground which is naturally what it would do. We’re working to try and change the regulations to allow that sort of material to be used in the City.
The Environment Board is proposing legislation to encourage more green building. The IEEC 2003 was a good start but we think we can go further in encouraging Evanston to become an environmentally premier community with regard to that type of regulation.

Another area the Environmental Board is involved with is revisiting the zoning code to allow more solar panels on roofs in a way that doesn’t require special variances. Right now there are limitations on the use of solar panels in Evanston and the Environment Board would like to work with the City to come up with a compromise in which people could use solar panels but at the same time not interfere with the esthetics of the neighborhoods and the streets.

The Environmental Board is working with District 202 and 65 as well as Northwestern University to implement a strategy to use bio-diesel fuel in their buses and trucks. We are also looking into this in conjunction with the Village of Wilmette and Skokie in their respective school districts on the use of bio-diesel. Bio-diesel, which comes from a new resource, is an alternative to regular diesel and the large number of school buses makes it a very attractive target to use. There are certain EPA Federal grants that would support that initiative.

The Board is also working with the school districts emphasizing energy consumption and lighting within the schools trying to look at solar power. Last year Districts 65 and 202 did a small project using solar panels or lighting within the school and we would like to try to work with them to try to increase the amount of solar energy they use.

Some of the Board members are working with the City of Belize implementing design into their infrastructure, a personal interest to some of the architects that serve on the Environment Board. Some of the processes in place there could also have some benefit to Evanston and we would like to see what comes out of that program that possibly could be implemented in Evanston.

We are working with the Planning Department to look at green design guidelines for many of the activities in the City of Evanston. That is a brief summary of what the Environment Board is involved in.

Alderman Bernstein asked if any contaminated soil was found in Loveless Park. Mr. Lupton responded no, the soil that was excavated had no constituents that were above the minimum of concern. The fill was not regarded as hazardous or dangerous. Alderman Bernstein asked if we have any sense relative to the landfill at James Park. Mr. Gaynor said they tested James Park prior to the work done in the areas and the results are the same as Mr. Lupton indicated. There are various levels for a description, the worst is toxic, then hazardous, then special, and then probably nothing. By following the guidelines set by IDPA and EPA and how to dispose of special material, what we found there was special. The levels of any materials found were below any concerns for the levels that EPA or IPA asked. Mr. Lupton was out of the country when the Environment Board met with staff to discuss their recommendations and we adopted recommendations which were an enhancement to the program we have. Alderman Bernstein asked if we are still drilling at Mount Trashmore and do we know what's there. Mr. Gaynor said they know what's where they actually drilled and it's considered special. Alderman Bernstein said he would like to remove Mount Trashmore because of some problems we have with it, but if its contaminated soil we're not going to go there. Mr. Gaynor said it's special which means it has a specific method of disposal, we tested to a certain depth but we didn’t go all the way. Mr. Lupton said one of the issues you have to be prepared for when you excavate something like Mount Trashmore is to have procedures in place if they do find something bad we’re prepared to deal with it according to state and federal regulations. Alderman Bernstein remarked then we can’t afford to dispose of Mount Trashmore. Mr. Gaynor added our testing was based on putting in fence posts 4 or 5 feet. Alderman Bernstein’s concern about leveling Mount Trashmore is not to have people sliding down there breaking anymore arms and legs. Mr. Gaynor said they would bring recommendations forward to the City Council with respect to that. Alderman Bernstein thought our ordinance did change last year with respect to limiting coverage of pavers and impervious soil.

Alderman Jean-Baptiste thanked Mr. Lupton and the Environment Board on behalf of the Human Services Committee, the community, and the world. He has had some discussions with members of the committee about the use of solar energy in the Caribbean and Central America. Alderman Jean-Baptiste asked Mr. Lupton if he would come from time to time to give the committee a sense of what the Environment Board is doing. Mr. Gaynor wanted to add as Mr. Lupton indicated we’re very, very well covered as far as all of those environmental issues under the Strategic Plan that was adopted by City Council a week ago.

VI. CONSIDERATION OF ORDINANCE 10-O-06 AMENDING CHAPTER 8-21 OF THE CITY CODE REGARDING INDOOR CLEAN AIR REGULATIONS

Alderman Jean-Baptiste called upon the attendees in the audience who wished to speak to this issue.

Liz Andrews, 711 Wesley, said she has lived in Evanston since 1985 and also happens to work for the American Heart Association but is not here tonight to argue about the health benefits of reducing the risk of second hand smoke and the
impact of second hand smoke on the cardiovascular system. Just about everybody knows that just a little second hand smoke is dangerous. The negative effects on blood, blood vessels and heart rhythm occur quickly often within in minutes.

Instead tonight she is speaking as somebody who has spent much of her adult life here in Evanston, raised two sons here, one whom recently graduated from Northwestern and as somebody who really wants to be able to breathe smoke free air in any public place in the City including our restaurants and bars. She has a long family history of heart disease, her dad’s two brothers died from it and from her work at the Heart Association knows the important of paying attention to family history and is doing all she is able to control the risk factors she can’t control including exposure to tobacco. Not only is she concerned about this for herself but she also fears for her kids. Her recent graduate son doesn’t have a job in the restaurant industry right now but there is certainly a chance he and her younger son in college could end up earning a living as a waiter or a bartender. If they wanted to do that in Evanston she would beg them not to look for a job at Bluestone, or Prairie Moon, or Pete Miller’s, or Tommy Nevin’s, or any restaurant that allows smoking. Some of their friends already have jobs waiting tables and fixing drinks and neither her kids nor their friends, nobody for that matter should ever have to trade their health for a pay check. She loves Evanston and wants this to be a strong economically vibrant community; she tries to talk her friends into moving here if they can afford to do that. She’d like to spend her money here especially now that she’s an empty nester, but she has choices. If she and her husband want to grab something to drink and eat after work they travel more and more to places in neighboring suburbs, Highland Park, Deerfield, Wilmette, which amazingly are more progressive than Evanston when it comes to this issue. Or, we just stay downtown where we both work more and more Chicago restaurants are actually going smoke free before they have to. They recently had dinner and drinks at Keefer’s in River North which has seen its business increase 14% since going smoke free. The night they were there the bar was packed and so was the restaurant. As of today 12 states in the U.S. are completely smoke free, worldwide the entire countries of Ireland, Italy, England, Norway, Sweden, New Zealand, Uganda, Malta, Uruguay, and Puttan have enacted comprehensive smoke free workplace legislation including restaurants and bars. Countless cities have made the right move including Lexington, Kentucky, a city and a state that is home to hundreds of tobacco farms. She is really here to say if Lexington, Kentucky of all places can pass a strong ordinance, why can’t Evanston. If Ireland of all countries can go smoke free why not our restaurants, it’s just besides logic. She urges you to do the right thing, now, not in a year or two. A few years ago Helena, Montana, a town of 70,000 people, about the size of Evanston, and one hospital passed the comprehensive Clean Indoor Air Law. After it was enacted physicians saw a 40% reduction in heart attack admissions to that one hospital. Six months later the law was challenged and the town saw the heart attack admissions climb back up to the baseline. Any delay in the enactment of a comprehensive ordinance here could lead to serious health consequences from exposure to second hand smoke.

More than three-quarters of Evanston residents don’t smoke, as a member of that very large group and a representative of it she hopes Evanston sees the light soon and takes action to allow all of its workers, residents, and visitors the right to breathe smoke free air.

Claudia Finn, 7136 North Wolcott in Rogers Park, former employee of Phoenix Health Care which is a day center for people in nursing homes here in Evanston and was speaking on behalf of people spending time at this day center and also on behalf of the employees. The day center has about 150 clients per day coming into this space and this week the number will be bumped up to about 200 clients per day. The incentive for people to come to this day center, which is for-profit so they get monetary incentive per head, is that they get a pack of cigarettes every day when they come. You can imagine there is a huge amount of smoking going on in this place. Under the current Evanston laws the facility for smoking in this place is one room which is as large as a quarter of the size of tonight’s meeting room, which is open to the main room where everyone sits at long tables when they’re not in group. There are chairs all the way around that sits about 15 or 20 people smoking in this room and there is usually a line of about 15 or 20 people outside waiting to smoke so it’s constant smoking. There is no ventilation to the outdoors in this room there is just one air purifier there. Some of the residents volunteer as smoking monitors for the room and they sit in there for a half an hour or an hour a day breathing this air. The smoke is going into the facility and everybody is breathing it. After working there for 2 months she started noticing headaches, fatigue, lack of breath, all kinds of things that she was dealing with so she gave notice 2 weeks ago. In starting to talk about this issue with other staff and clients at the center realized a lot of people were dealing with issues that it seemed clear to her had to do with the air. When one of the clients began going to the Phoenix Health Care program saw a huge increase in her migraines, another one of the staff started having migraines which he never had before he started working there and unfortunately due to his financial situation can’t quit as she was able to. Other staff said they were experiencing dizziness and not being able to think clearly. She does not know about heart attacks as these are the people who have enough health problems as it is. The door to that room is open all day and even though she never went into the room her clothes always smelled like smoke. She knows about the suicide rate and agrees we have to let these people have their cigarettes what else to they have left in life when they get to where they’re in a nursing home. Although using cigarettes as an incentive seems rather insane because it’s practically impossible to quit. This is a new facility that has been around a year. They walked into this building knowing they weren’t going to have availability of an outdoor smoking court something properly ventilated and separated from the rest of the place. She thinks there has to be buildings and places where these facilities can exist where outdoor smoking would be available confined enough were people aren’t going to run off and do harm to themselves.
Mr. Terry noted outside of the debate on this ordinance we just became aware of this program and he uses the term “program” loosely. The facility is located at 990 Grove; it serves residents of long term care facilities, virtually none from Evanston, Chicago long term care facilities for persons with mental illness. They are bused to this location for a day long program known in the state as psycho social programming, but in his opinion the quality of that is dubious. A week or so ago we just got staff access into the facility with both Public Health and Mental Health staff trying get in the place to see what if any City regulations can be applied here. As you recall there was a place called Heartland which closed and this is almost identical to what Heartland was. We’re also monitoring police calls and ambulance runs to this location. This facility is purely private and for-profit. Access to City staff is touch and go and as of right now it is a legal operation and in fact we believe their daytime activities are being subsidized by the state.

Ms. Finn said she was glad to hear the City is looking into this although the Clean Air Ordinance would help move the process along.

*Mark Simon, M.D., 217 Kedzie Street,* said he’s thrilled we’re reconsidering this issue that was considered two years ago. He just wanted to highlight one aspect, the social justice aspect of the Clean Indoor Air. Often people who work in restaurants as waitresses, waiters, and in bars don’t have a lot of choices of where they work so the idea that people have a choice of going into an establishment that allows smoking or not breaks down a little bit in that area and its not a safe working environment. There’s no question about medicine and science that second hand smoke causes the same problems as far a cardiovascular disease, heart attacks, lung cancer, that smoking causes and they’re being forced to inhale the dangerous material. The Clean Indoor Air Ordinance would also have a flavor of social justice.

Alderman Tisdahl asked Mr. Terry if Albany Care and Greenwood Care are non-profit facilities, to which Mr. Terry responded they are for-profits. Alderman Tisdale said she was going to suggest exempting long term care facilities although she was not enthusiastic about that. Mr. Terry noted what Ms. Finn described is different than those facilities and as written in the ordinance we exempted them so if you did not want to exempt them a change would have to be made. Ordinance 10-O-06 exempts them but not the facility described by Ms. Finn. Alderman Tisdahl said she would like to follow Mr. Terry’s suggestion of January 1, 2007, instead of following her original suggestion which was the Chicago date because since Chicago passed it with a date and Cook County has passed it with a date in 2007. Looking at the audience there is not anyone in attendance from the bars or restaurants and there is not an outburst of this ruining our business, that whole argument is now over. We could save a life between January 1, 2007 and whatever the 2008 date was. This is our chance to go for it and she would like to congratulate Mr. Terry having picked January 1, 2007

**Alderman Tisdahl made a motion to change the date to January 2007. Alderman Jean-Baptiste called for a second to Alderman Tisdahl’s motion to change the date to January 1, 2007, motion seconded by Alderman Holmes.**

Alderman Moran thought this should be done sooner, to which Alderman Tisdahl said she would second that motion as she did not think we could get the votes to do this sooner. Alderman Moran suggested the date of July 1, 2006, and would prefer to add that we don’t differentiate between the bars and smoking areas near bars. In Mr. Terry’s memo on definitions and differentiation that was included in the Chicago ordinance where there were different dates for bars that he would not want incorporated in our ordinance, but would make it a flat prohibition.

Alderman Bernstein said he could not support either of those motions for the very reasons that like it or not there is and economic influence in this community. He has heard from restaurateurs and the Chamber of Commerce who said if we needed them here they’d be here tonight. There’s no question that smoking kills. He was just in California and went into a bar for the first time in a long time, it was wonderful, it was smoke free. He would replicate the Chicago ordinance so that we continue to level the playing field and again our economy is largely based on our restaurants which is the only reason he voted not accept it two years ago. Unfortunately nothing has changed; people are going to die which he doesn’t want to happen. He understands the data but to him the data is inconclusive with respect to individuals. Yes, New York is up, California is up, because the whole states are up. He is gratified everybody else is doing things. His concern is strictly the revenue, he took an informal pole and the people he spoke to who worked in those bars and restaurants chose those positions because the tips were better. Most of those talked to actually smoked themselves, so he’s not sure who we’re protecting. He doesn’t go to any restaurants or bars where there is smoking allowed to the extent that there is a smoke free area in the restaurant and if he can smell the smoke he will call and report them to the manager because he wants it to be smoke free. The last time this was discussed 70% of our restaurants were smoke free but does not know what the current percentage is. It’s coming; eventually the state of Illinois is going to be smoke free. As difficult as it sounds he has to opt to paralleling the Chicago ordinance we can stop all restaurants from smoking and phase in the bars. It’s regrettable for people who are forced to work in those environments but his sense is people are not forced.
Alderman Bernstein could not conceive what the Phoenix Health Center charges if they give away packs of cigarettes. It's an outrageous thing to him if it's a private club and does not know if our ordinance would even be able to control it. Even if it's not in our ordinance Albany Care, and until recently Greenwood Care, were his constituents. Those people are killing themselves in other ways. His current concern is personal, when he walks down the street behind somebody smoking a cigarette he's impacted for a block and it just about kills him, he can't control his presence on the street as he has to be somewhere. He can't control the group around an office building he's walking into which are the areas he'd really like to control. We're talking about a total ban in Evanston which hopefully one day he'll be able to go for. It's a total violation of individual rights. Right now if the people in Albany Care, a residential care facility, are told they can't smoke first of all are going to go outside and smoke in his constituent's front yards. Secondarily, it's their home if we tell them they can't smoke in their homes then you're going to be able to tell people they can't smoke in their houses. He does not want to go there, its going to be a national evolution, it's already happened when started two years ago when Chicago went smoke free.

Don Ziegler, who he loves dearly, and he fought about this because Mr. Ziegler wanted him to encourage Chicago to go smoke free and at that time told Mr. Ziegler he does not live in Chicago. He can implore his legislators in the state of Illinois to express his views for a statewide ban which we have done asking to make this a resolution for the state.

Alderman Bernstein said the fact that our Mental Health was at an $89,000 figure and people were devastated when we thought about removing that. He's here to serve a different good and part of that good is to generate the revenue to run the social programs we have. If we take the jobs and give them back to the people who want to work in smoke free environment we're not going to be able to give the funds to people who need health care. It's a terrible thing to say but to him that's the equation. If you're going to take away from somewhere you can't provide what we provide. For the short term its evidenced to him there will be a diminution of our restaurant patrons. If we're following Chicago the restaurants are done so we go from 70% to 100%. The Chicago Civic Center used to have a room where the lawyers went to smoke and it was sort of a blanket, now there is no more blanket because they were precluded from smoking. They now walk outside to smoke so he cannot walk outside where there’s smoking because his clothes get impacted with smoke. He understands where everybody's coming from and shares your concerns. His favorite niece who was previously a smoker just had a right lobe of her lung removed and he knows the consequences. He would like to be able to support this but in conscience and in the totality of what he is sitting here to do he can't.

Mr. Terry said there are 33 places where you can smoke, 22 have liquor and licensed bar areas, 11 have no liquor and if he understands what Alderman Bernstein is saying those 11 that do not have liquor would go smoke free immediately upon passage and the other 22 with liquor licenses, if you follow Chicago, would go smoke free in 2008. Mr. Perman of the Chamber of Commerce called him this afternoon and indicated that his position is fine with the 11 non liquor restaurants going smoke free immediately and doesn't want the 22 to be effected until July 2008.

Alderman Jean-Baptiste wanted to clarify what Alderman Bernstein was proposing which is simply a date of implementation for total smoke free Evanston as July 2008 and immediately want to have all restaurants that now allow smoking but do not offer to go smoke free immediately. The 22 bars serving liquor in Evanston will be kept on the same schedule as Chicago. Alderman Jean-Baptiste said he supports that position.

Alderman Moran said 2 years ago he voted the way Alderman Bernstein voted and was trying to reach a point he thought he could reconcile the various interests articulated here. The point he would have to disagree on is that nothing changed, most everything has changed in the last 2 years. At that time we were saying when Chicago goes we would go and we heard this recitation of countries and cities and states that have gone smoke free. He's convinced that the argument there is a distinct competitive disadvantage between our places that are part of the hospitality industry and other places to a large degree has been refuted. He's heard a number of times where places actually do better when they're smoke free, they don't do worse they do better. They might lose two people who want to smoke but might get ten people who don't want to be near smoke. He spoke to Mr. Perman this afternoon who tried to convince him to go the other way and he respects what Mr. Perman is trying to do as the head of the Chamber of Commerce. He told Mr. Perman the revolution is over there are only small rear guard actions being fought now. People have accepted the fact that this stuff is murderous, it will kill you and there is no reason for us to be shy about it anymore. He had a hard time voting the way he did the last time because he really wanted to vote this way 2 years ago but was still concerned about this web of competition that everybody expressed concerns about. It's going away and to a large degree has already gone away. The earlier we end it the better opportunity we have to maybe save somebody's life. Over the course of 2 years someone may contract a case of lung cancer or have a heart problem or something, tonight if we can help some people stay healthy lets do that.

Alderman Jean-Baptiste shared Alderman Moran's thoughts but is still concerned about the economic impact. We have been reducing the number of facilities that allow smoking. There is a compromise at this point in time that he will support and thinks the Council may be ready to vote by majority to go ahead and follow the time table Alderman Moran suggested.

Alderman Holmes remarked in terms of the compromise what if we did the July 1, 2006 for the 11 and then follow the County rather than the City of Chicago for January 1, 2007 instead of 2008.
Alderman Bernstein’s concern was about the competition and the County precludes villages or cities that haven’t already enacted smoke ordinances they render them smoke free, that doesn’t impact us. He is consistently told our restaurants compete with the restaurants in Lincoln Park and the City of Chicago. The revenues for bars and restaurants is not that great a margin. It’s a terrible thing to put life and death against economics, which is what he’s doing, he’s acknowledging it, and he doesn’t like it. There’s a choice here the only people being protected are people who go into those bars who make that choice. He does not know the number is of workers who are precluded from finding other jobs. Maybe if we discontinue the smoking in the 11 restaurants it will free up some better jobs for some of those folks. You have to be nuts to smoke, knowing what it does and what it costs. In 2 years maybe he’ll be spearheading a movement to keep smoking off our streets because he can’t get away from it on the streets. The people in his house don’t smoke, he doesn’t think he has any friends that smoke, nor does he think anybody on the City Council smoke. Who are we actually saving, the people who are going to smoke and continue to smoke maybe will not smoke as much because they’ll go outside and smoke and pollute the environment outside through which he would have to walk to get to the smoke free restaurant. In his heart of hearts he’s almost hoping the majority of the Council wants to do this, but he knows if they do in his opinion there will be economic detriment which is all he’s concerned about at this time. His position hasn’t changed in 2 years, if the state of Illinois goes smoke free tomorrow and mandates everybody he’s be happy. His guess is there will be a lot more private bars, as in counties that do not allow alcohol you buy a membership to club where you can drink which eventually is what’s going to happen with smoking. Employees are still going to be in there working, some of them whom don’t smoke but are there because they can’t find a job or can’t get better money working anywhere else, that’s a choice. When the rest of the economy dipped the last 3 or 4 years our restaurants kept us at level.

Alderman Jean-Baptiste said there was a suggestion to consider a compromise which he would be willing to work with as he cannot see moving that radically to July 2006, but is open to consider moving to March of 2007 and thinks we should be able to get the majority of the Council to support that date.

Alderman Moran wanted to see if we could get the majority of the Council to support July 2006.

**Alderman Jean-Baptiste called for a vote on the motion on the floor to support a complete ban of all smoking in the City of Evanston except for public places with the exclusion of long term care facilities as of July 1, 2006.**

The motion passed 3-2, Aldermen Tisdahl, Holmes and Moran voted aye, Aldermen Bernstein and Jean-Baptiste voted nay.

Alderman Bernstein asked Ms. Purze to look into revoking the Phoenix Health Care Center from operating in our municipality.

**Meg McClesky, 1211,** wanted to thank the committee for their decision as this is such a critical issue. In her religious tradition people say if you save one life it’s as though you saved the world and she believes you’re saving much more than one life. She also would like to address the nursing home issue. For many ears her sister-in-law stepped outside her nursing home in Chicago to smoke. She does not know what the regulations are about where in a nursing home people can smoke to the jeopardy of the other people who live there. Mr. Terry said most of the Evanston nursing homes for older persons already banned smoking in their own rule, it’s just the two facilities that house the chronically mentally ill, Albany Care and Greenwood Care.

Alderman Holmes had another item that she has already spoken about to Mr. Terry. She is very concerned about the ordinance that allows the selling of cigarettes or smoking material within 100 feet of schools and parks. There recently was a situation in a ward where we were finally able to get rid of a place at Church and Dodge that just moved 25 feet north to open up again. She would like an amendment that would not grandfather anyone in and thinks it should be a minimum of 500 feet. She would love it to be 1,000 but at least 500 feet within a school or park for selling cigarettes and other smoking materials and whatever else could be included in the ordinance.

Alderman Jean-Baptiste asked Ms. Purze to look into a reference for banning the sale of tobacco products within 500 feet of any schools, parks, day care or other special facility.

**VII. ADJOURNMENT**

The meeting was unanimously adjourned at 8:15 p.m.

Respectfully submitted,

Audrey Trotsky, Department of Health and Human Services

Page 7.