CITY COUNCIL  
HUMAN SERVICES COMMITTEE  
Monday, June 5, 2006  
Civic Center - Council Chambers  
7:00 P.M.

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

STAFF PRESENT:  Elke Purze, Vince Jones, Frank Kaminski, Carla Bush, Linda Lutz, Jay Terry, Audrey Trotsky

OTHERS PRESENT:  Alderman Hansen, Alderman Wollin, Rosemary Jean-Paul, Evanston Township; Sharon Eckersall, Township Assessor, (See attached list of Attendees)

PRESIDING:  Alderman Jean-Baptiste

I. CALL TO ORDER
Alderman Jean-Baptiste called the meeting to order at 7:07 p.m.

II. APROVAL OF THE MINUTES OF THE MAY 1, 2006, MEETING
The minutes of the May 1, 2006 meeting were called and unanimously approved (5-0).

III. CONSIDERATION OF MAY 2006 TOWNSHIP MONTHLY BILLS
Alderman Holmes motioned for approval of the May 2006 Township monthly bills, seconded by Alderman Tisdahl. Alderman Holmes had a question regarding the invoice for veteran’s flags for $472.92. She noticed it correlated with a line item of the Township’s budget and asked if this is a service we provide to veterans. Mr. Terry noted that for many, many years the Township has provided flags for cemeteries for the Memorial Day observances. Hearing no further questions or comments Alderman Jean-Baptiste recalled the motion to approve the May 2006 Township bills, motion unanimously approved (5-0).

IV. CONSIDERATION OF DISPOSITION OF CITIZEN COMPLAINS AGAINST POLICE OFFICERS
Alderman Jean-Baptiste remarked that before our usual hearing of the complaints this agenda item should be states as, “Citizen Complaints and Compliments/Commendations” as there are a large number of citizen compliments and commendations for our Police Department’s work serving the community. However, we discuss the complaints as opposed to the commendations.

Chief Kaminski noted the first complaint of the year was CR #:06-01. There was a call for service at a location where it was reported a fight was going on inside the premise and weapons might have been in the place. The officers responded and the fight then moved to the outside when several other people joined in resulting with the officers arresting several people. During of the process of the arrest the officers used their mace to facilitate the arrest. The three complainants that made the initial complaint failed to provide additional information or follow through. One complainant was later convicted in court of the charges of the arrest and the other two are still pending on trial. The Citizen Review was done internally and three members found the complaint was SOL, Stricken on Leave to Reinstate. The investigation was stopped because the complainants failed to cooperate but can be reinstated if they decide to cooperate although after numerous letters and calls they did not follow through. The criminal charges are still pending.

Alderman Jean-Baptiste called for any comments to CR #: 06-01. Alderman Moran moved to accept the report as presented, seconded by Alderman Bernstein and unanimously approved (5-0).

Chief Kaminski noted the next complaint CR #: 05-02 is actually a continuation of complaint from February when the Chief was asked by the committee to meet with the complainant and review the facts of the case. There was a meeting where Alderman Jean-Baptiste and Alderman Holmes were present. There were not only meetings with the complainants but with the four officers involved and we were able to resolve everybody’s questions. As a result of that meeting the Chief said he still recommended the original disposition was appropriate.

Alderman Jean-Baptiste recalled there were a number of interested people at that meeting. The Chief did meet with the parent, who was the most aggrieved by the situation, and wanted to know what the current relationship is with the parent and the youth involved. Chief Kaminski said he and Alderman Holmes met with the parent last week regarding another problem the parent was having with another child and he thought the relationship has been very positive. In fact as a follow up he called the parent today and she was very appreciative that we are trying to work through some of the issues
Alderman Jean-Baptiste called for approval of the Chief’s disposition of CR #05-02; committee’s approval was unanimous (5-0).

V. FURTHER CONSIDERATION OF PROHIBITION/REGULATION OF BEEKEEPING WITHIN EVANSTON
Alderman Jean-Baptiste noted at the last Human Services Committee meeting a number of people were heard from the City of Evanston and outside of the City in the discussion as to whether or not we would prohibit beekeeping or find some way to regulate it. At the end of the last meeting the committee concluded they needed further information. Some of the information requested was to find more information on ordinances from other municipalities addressing this issue, also the City’s staff was requested to look into getting information on whether there are some options in the City of Evanston to have beekeeping at certain locations other than backyards if the City decided to go forward and allow beekeeping. Before continuing the discussion Alderman Jean-Baptiste called upon those who signed up to speak.

Wendy Miller, 2418 Noyes Street, said she is a beekeeper and spoke at the last meeting because she did not want to get drawn into this but was because she is a beekeeper. She grew up with honeybees in her yard as her father is also a beekeeper and is biased in the sense that she does not know what its like not to have bees around. It wasn’t until she moved to Evanston, 10 years ago, that she realized a lot of people are afraid of bees which is why she does not advertise the fact she has bees. She checks people out before she introduces them to her bees because she recognizes that fear. Since the last meeting she thought it would be interesting to revisit her neighbors who she talked to before she originally had bees as there has been a lot of turnover in her neighborhood. She went out and talked to almost everybody on her block but did talk to everybody immediately around her. She was very surprised to discover that not a single person has been stung by a honeybee in the past 10 years and there have been times in the last 5 years when she had 2 hives going, Matt Tremolen had 2 hives going and there were quite a few bee hives along the canal. In our neighborhood one could argue that there may have been millions of bees and the most interesting thing to her is that nobody notices them. Alderman Bernstein visited her home and there were hardly any bees anywhere in her yard. We have a very diverse neighborhood, an elderly woman lives behind and another elderly woman lives next door to her and found that the bees never bothered either of these neighbors and there was not a single household that had a honeybee sting. She knows one of her neighbors was stung by a nest of yellow jackets which are wild and uncontrollable. She was told about a hornet nest on someone’s porch and has heard a lot of stories about flying insects in her neighborhood but none were about honeybees. Some of the neighbors told her they feel their fruits and vegetables are more plentiful since there has been increased pollination which she certainly finds in her yard. On her block there are three people that she came across who have had anaphylactic shock reactions to flying insect stings in past. Two went through a special therapy to reduce the effect of stings on them so they now just get a localized reaction. One still has his epi pen at home and all three people said the bees don’t bother them and they don’t care that they’re in their neighborhood as they certainly know the danger to themselves. She wanted to share that information as she felt it was directly relevant to the issue at hand particularly once there was concern the bees shouldn’t be anywhere in Evanston and certainly in northwest Evanston. Ms. Miller had a little petition taken in her neighborhood merely to show that she talked to the neighbors. A number of people have signed, some are her friends, some are not. Her petition says, “I support backyard beekeeping in Evanston.” The other issue that has come up in relation to this which disturbs her is that one complaint results in the proposal of an ordinance that affects all of us in Evanston. She wishes there was a way for these neighbors to work this out amongst themselves so as not to impact all of us in Evanston. If you are going to do something and then waive regulation she hoped you could look at her situation and she would be glad to be part of the procedure to figure out what would be a reasonable regulation. She assumes if something becomes a nuisance then its something the City should address but until it becomes a nuisance why make it a nuisance before it’s a nuisance. Thank you.

Michael Roberts, lives at 1314 Randolph Street in Chicago, which is a highly, densely populated area and makes him an outsider. He and his son Max have had 3 bee hives for 4 years. He can agree with everything that Ms. Miller said about nobody getting stung. Honeybees are vegetarians; they’re not carnivorous or aggressive like a yellow jacket or some other type of wasp. You can stand next to bees and they’re oblivious to your presence unless you are using a product with some botanical fragrance. He spoke to two gentlemen before the meeting and it struck him that they have some real fear of honeybees but had never been near or seen a hive. He cannot anything say more than Ms. Miller has except it seems odd to him that the weight of a complaint from someone that’s never been near a hive would be carried. Thank you for your time.

Susan Dickman, 1517 Madison Street, wanted to say a couple of words about reason. Reason is the backbone of a
Mr. Black, 1503 Madison Street, lives approximately 100 feet from their neighbor who as a hobby has proposed to locate a beehive in their 40 foot wide backyard. See Attachment “A” for Mr. Black's presentation. After his presentation Mr. Black proceeded to show a short video of a swarm of bees made by a friend of his, a former Evanston resident who now resides in San Diego, California. His friend’s wife had gone out to their backyard to play with their dogs and a swarm of bees erupted. This video zeroed in on what is described in audio as a nest but actually turned out to be a cluster or a swarm of bees. Mr. Black noted that the video was threatening and intimidating and something he would not want his friend’s wife to see. He then proceeded to show a power point presentation, See Attachment “A-2” and “A-3”. Mr. Black noted all the information contained in this power point presentation was sourced from Texas A & M University - Department of Entomology. Mr. Black concluded his presentation with, at a minimum while this issue is decided the City Council should enact a moratorium, retroactive to May 1, 2006, while this issue gets decided. Thank you.

Dolan McMillan, 1519 Madison Street, said he and his wife have been married 10 years and have lived in their home in Evanston for about 3 years. They have one 10-year-old dog and one puppy. See Attachment “B” for Mr. McMillan’s presentation. Mr. McMillan concluded his presentation asking the Human Services Committee to please consider an ordinance that will indeed ban or restrict the activity of beekeeping in Evanston, even if only through a regulatory ordinance. In addition, he was asking for a moratorium, retroactive to May 1, 2006, while this issue gets decided. Thank you.

John Hansen, past President of the Illinois State Beekeepers Association, he does not live in Evanston and is a resident of LaGrange. He is in his 31st year of keeping bees and wants to refute many of Mr. Black's statements and would hope the committee disregards all the information that Mr. Black presented regarding the information from Texas A & M. Texas A & M is dealing with Africanized honeybees that came up from South America through Central America and Mexico and are now in southern states and up into California. This is a hybrid bee that has nothing to do with the bees that we keep around the Chicago area. All of that information is false as far as our bees are concerned. It is true for the civilized culture society. Without reason our reptilian brain takes over and the side of us that wants to judge things based on fear and lack of knowledge or refusal of lack of knowledge and we fight it and deal with it. She thinks banning honeybees would be unreasonable even based on lot size some arbitrary decision of lot size is an unreasonable decision as well. Chicago with a higher density population than Evanston has managed since the 1970's with backyard beekeeping. She feels that the burden of proof that honeybees pose a danger to society rests on the naysayer and basing a decision on fear, or what if, when there are so many other benefits is a lack of information or proof that they have detrimental effects. There are a lot of dangerous things in Evanston, there are cars, there’s pesticides on lawns, and lawn care treatment that get into the ground water and go into the tomato plants that she’s trying to feed her kids. She does care about fears and people on the block and the children. There are 20 children on her block and one on the way. She has some questions and concerns and does not understand why the City called her to find out what was going to do with the honeybees once we got them. The honeybees were at North Park Nature Center for 2 weeks, they've been at our house in our backyard for a week and a half, and nobody’s noticed them. She just wonders about the democratic process when people call her to ask what she’s going to do with the bees when there is nothing illegal about them. It took her several months to get past her own fears and realize that she could learn more and educate herself and feels that's what we do in an enlightened society, that's what progress is. Isn’t that what we’re obligated to do when we’re confronted with something or someone or people or cultures or whatever that we don’t know about or understand. Don’t we arm ourselves with knowledge, don’t we find out more about those things. She’s a teacher and when she did her teaching training learned the average to above average intelligent person needs 12 to 15 repetitions of anything for any information to be absorbed. She needed it repeated to her several times when she was learning about this whole process that beekeeping does not pose a danger to people. In conversations she's had with physicians, people’s allergies need to be far more concerned about the presence of yellow jackets and hornets. Her last comment is people really don’t know honeybees, if you look at honeybees and look at yellow jackets and study their behavior for 5 or 10 minutes you see they fly differently, they behave differently, they move differently around people and around plants. People don’t even notice them, had ours arrived when they were supposed to arrive and had her son secretly built his hive in our basement rather than in the backyard she does not even think we’d be talking about this because nobody would have even noticed that they were there. Thank you for your time.
Africanized bees in Texas and they also have domestic bees there. He has never seen a honeybee in a garbage can, but has seen a lot of yellow jackets there. Yellow jackets are attracted to any kind of food and everything about human beings but honeybees only forage for nectar and pollen, that's the only food they eat. Nothing about a human being attracts a honeybee. Honeybees go out of the beehive and back and are called foraging bees and are only one-third of the number of bees in the hive. They're even safe around children. He just put in 18 colonies of bees in a space no more than 45 feet square in North Lawndale at Flournoy and Independence Boulevard. When those hives develop into a full size there will be a lot of bees in that small backyard. The lot size has very little to do with bee safety. Yellow jackets are here from the middle of July until the first frost of the year, their population increases rapidly which the insects that will bother you. The honeybees will fly over your head. Mr. McMillan has nothing to worry about. Mr. Hansen said he could have a beehive next to his garden and can't find a honeybee in there because they like to fly a distance before they start foraging so they're going to go right over your head and you won't even know they're there. Bees disseminate in all directions from a beehive in a range from up to 3 miles. The area they can cover is 18,000 acres. With 16,000 bees coming out of one beehive that would be one bee per acre. If you can find a honeybee in your backyard or garden consider yourself lucky because they are scarce. Chicago has a lot of bees, on top of City Hall, the new hives and others in North Lawndale, active beehives in Garfield Park, plus observation hives at Lincoln Park Zoo. If these bees were so dangerous in public places the City of Chicago would not allow them. The bees are encouraged in Chicago and are not a problem. Thank you.

Debbie Hillman, of 1118 Sherman and has lived in Evanston almost 30 years and has been a professional gardener for 25 years mostly in Evanston for residential homes. She does a lot of reading of philosophy and understands the principles on which we make decisions which is apropos because government makes a lot of decisions and we need to understand why. She came across and interesting concept based on a pair of words from high school literature, hubris meaning arrogance and often paired with another word safrsogn which means conference. Hubris is human behavior that violates the pattern of nature, the laws that we all live under and the beings that we share this earth with. As a professional gardener she sees this kind of hubris daily, seeing lawn services try and clean up every single last leaf in the fall and then sees evergreens die because they have no leaf cover or protection from wind, sun, drying out. There's no additional soil made, leaf litter to live in are gone which daily ecological destruction in Evanston is. She thinks the world is now understanding that we have overstepped our bounds as human beings vis a vi the natural world. She would like to share the word safrsogn in comparison with hubris; the dictionary says temperance, self control, prudence. We live in a dangerous world there is no question about it but humans are the most dangerous creatures of all. The skill of mortality is its up to us to keep ourselves and to teach our children how to live in this whole world that includes all of us here and all the creature that inhabit this world including the plants and the bees who pollinate the plants who make our food. It's very clear that in the next 10 years we're going to face an ecological crisis that we cannot imagine in terms of oil to power all the transportation that we use to transport our food from California from Chile and we will have to be growing more food here in Evanston which means we will need bees to pollinate. She wants to know everything about this world and every creature and to be as big as she can and relate to every living thing. That's her job as a human being and a creature of this earth. It is incumbent on all of us to feel the same way and believes its incumbent on a governing body to remind us that we are all part of this world including the bees. Bees have a natural home in Evanston and should be allowed to be here. Thank you.

Dave Rutherford, of 2102 Harrison Street, said his family has been friends with Ms. Millers family for 10 years or so. They had been to several backyard barbecues at Ms. Miller’s house before they even knew that she kept bees. One night when they were there she took them out and showed them the hives in the back. Most of the time they were very close to the hives and didn’t know they were there. The bees were never noticed when they were in the yard. What he is hearing at this meeting sounds to him like a proposal to either regulate or ban beekeeping in Evanston; it appears to be a solution in search of a problem. He’s not heard of people reporting wild swarms or being attacked by bees in the downtown areas or any problems being reported relating to people keeping bees in Evanston. True, there may be some people allergic to bee stings. He's reminded that a few years ago there was one person who had a hypersensitivity to the spraying done for mosquitoes who managed to get mosquito spraying stopped in Evanston and as a result the other 74,000 suffered through some of the worst mosquito years he can remember for the past 30 years. He doesn't think its good policy or legislating to restrict or ban the activities of everyone based upon a very few loud voices compared to the number of people who live here and he would ask you to not do it. Thank you.

Phyllis Pestka, 1520 Washington Street, said she has been listening this evening and at the last meeting and highly resents the implication of most of the people that are pro bee that those of us who are against it have no knowledge and no understanding of honeybees. Her husband is an Evanstonian, she's been here for 35 years, originally she's from Door County, Wisconsin, from a dairy farm. Her experiences with honeybees have been positive in that you can’t be in any kind of situation where you’re raising crops where you can’t appreciate the value of bees. She will however take an absolute positive stance that she does not feel that it’s appropriate for those bees to be in that small a space. It’s not fair to the people around nor is it fair to the bees. It’s very nice to say bees are docile for the most part and unless you provoke them you will not have a problem. However, over the years she’s been stung numerous times by honeybees. They love clover,
Ms. Peterson, 748 Wesley, lives 150 feet away from the proposed hive. Reasonable discourse is part of a civilized society and her opposition to beekeeping has nothing whatsoever to do with fear but flows logically from our existing ordinances. She also would like to add that she is really disappointed at the gesture of bad faith to have gone ahead and moved those bees into that backyard. That was not the spirit and intent of the last meeting as we left it. The idea was there was going to be consideration and more information that would be generated and those bees were not going to be in the back yard at least everyone sounded as though that would not happen in the interim and she feels sad that this action was taken with all this fuss still going on. It’s clear that the City of Evanston wants no part of beekeeping in Evanston that is no liability. Ms. Lutz May 31st memo highlighted the liability concerns for the City of Evanston should some problem arise on public land, such as the Ecology Center, the City would be liable, and has expressed numerous concerns with regard to liability. Ms. Lutz went on to note that there are very few areas which can be devoted to passive landscape that could house private bees. According to her memo the bees on McCormick Avenue were removed for safety reasons. It is significant to note the Environment Board had discussions regarding the important benefit of pollination which we all can agree on. Yet they raised the same concerns regarding the ability to contain beekeeping and apply regulations fairly. Ms. Peterson said she stated at the last meeting that regulation would be difficult to achieve and still thinks that is the case. The proposed distance requirements of 25 feet from a property line are not sufficient to insure adjacent property owner’s adequate use and enjoyment of their property. Beekeeping is considered an agricultural use in Cook County. An agricultural use in Cook County is usually at least 5 acres and is not allowed in residential zones. The model ordinance you have shown by the proponent and provided by staff noted as Draft No.1, copies of the beekeeping ordinance for Louisiana Local Municipality and Governments and is merely verbatim. However, this particular whereas was left out, Louisiana is among the leading states in honeybee production and agricultural byproducts associated with beekeeping throughout the United States. Obviously that whereas could not be in an Evanston ordinance because Illinois is not noted for honeybees or agricultural byproducts from honeybees. In Evanston we do not customarily live acres away from our neighbors or identify our addresses by county road and rural route numbers. Over the years in order to meet the growing obligations of a municipality the demands to increase the tax base has been met with density. We are a very dense, urban, residential community. She feels that’s it unfortunate that Ms. Dickman has tried to frame this issue as solely about the passion of her son and his hobby. That our neighborhood had to endure being characterized as bee cists by the metropolitan area’s leading political columnist is indeed fascinating. Especially given the alleged vote fraud that led to a historic election contest that is still being contested in Evanston. This issue is not about an individual or his mother rather it is about whether it is appropriate land use in residential neighborhoods. Agricultural use that is regulated both by Illinois and U.S. Departments of Agriculture is not appropriate land use in residential neighborhoods. She hopes the committee members will at least refer to the discussion had by the Environment Board and instructional information regarding Cook County’s position regarding beekeeping and whether or not we consider having beekeeping or regulating beekeeping in Evanston.

Ms. Peterson wanted to discuss the on line petition Ms. Dickman presented at the last committee meeting which may have grown since that time. In the online petition there are 132 signatures. Ken Haller, the President of the Illinois Beekeeping Association signed it twice so there really is only 131 signatures, 19 or 15% readily identified themselves as non Evanston residents, 25 or 19% list Evanston addresses or phone numbers, 21 people 16% suggest as their verbiage that they live in Evanston but didn’t provide a street or a name or full address, 66 people 50% provided no indication where they reside. The petition does not reflect the opinions of those people who are being asked to have beekeeping within 30, 40, 100, 1000 feet from the proposed beehives. Concerned neighbors have circulated a petition that does reflect the neighborhood sentiment. At the last meeting Alderman Bernstein asked some very good questions of Mr. Haller, resident of Elmhurst
and current President of the Illinois Beekeepers Association, about swarms. Mr. Haller said that it is possible when bees swarm it is likely the new colony will develop anywhere from 50 to 100 feet from the old colony and he even said that could include a neighbor’s tree. Mr. Haller said not to worry because we could call a beekeeper and have the swarm removed. That scenario should not be forced upon us in our neighborhood on unwilling residents by the City government and which by itself constitutes a nuisance. Every time she has to call the Department of Agriculture to come and collect the bee swarms is a nuisance. She would suggest the distance requirements be closer to 50 to 100 feet from property lines at a minimum and if regulation is decided upon which she’s still not convinced how regulations would work. It seems to her the huge amount of time and resources going to be required to enforce regulations, if it’s implemented, is going to be taxing on residents of Evanston. Evanston is one neighborhood that is roughly 8 square miles, how many domestic bee hives can one community hold without disturbing the natural environment of feral bees. She has an amazing garden that the entire neighborhood enjoys and her garden is not lacking for pollination as nature is taking care of itself quite nicely. She does not wish to have the added nuisance of domesticated bees 150 feet from her yard and believes it is not reasonable for the City government not to take action to protect the residential neighborhoods from agricultural use. Thank you again for your time.

Alderman Jean-Baptiste noted the conclusion of public comments and said staff had been asked to do some research and come back to this committee with their findings and asked Linda Lutz to share with everyone what investigating she has done and what conclusions have been reached. Ms. Lutz said she in her 20th year of working at the City of Evanston Ecology Center, and was asked to take a look at having bees on public land in Evanston. One of the issues she discussed numerous times with her supervisor in terms of on public property is it creates a whole different situation where the City is placed in a position of liability but doesn’t have control over authority. When they looked at this type of situation, the Ladd Arboretum Committee, a City Council appointed board, looked at keeping a citizen’s bee hives at the Ecology Center on the canal banks below it. There were some issues they thought appropriate which involved having adequate fencing, perhaps having a permit, signing a contract with the City taking out insurance on that type of thing only as a protective measure for the City because it would not be a City function but that of a private person in Evanston.

Alderman Jean-Baptiste asked that the committee see where they are in this process and noted at the May 1, 2006 Human Services Committee meeting Alderman Moran moved approval of consideration Ordinance 65-O-06 Prohibiting Beekeeping in Evanston. There was no second to this motion as the committee asked for time to study the issue and this is the time to either remove the motion or have the motion seconded. Alderman Bernstein remarked having no second there is not going to be any recommendation from this committee, if the City Council wishes to bring it up on its own this has to move along without any commentary. Elke Purze, City Counsel, said without a second to the motion the motion dies here in the committee. If someone wants to bring it up on the floor at the next Council meeting this can be raised there. Alderman Jean-Baptiste asked if this means the status is quo from what it was previously until there is any specific movement.

Alderman Moran thought our rules allow for an item to be placed on the City Council’s agenda at the request of one alderman. Alderman Jean-Baptiste asked if the chair can second a motion, and was told he could. Alderman Moran then made the same motion he made May 1st, for approval of Ordinance 65-O-06 Prohibiting Beekeeping in Evanston. Alderman Jean-Baptiste seconded the motion thus opening the item to be on the floor for discussion. Alderman Jean-Baptiste then asked the committee whether or not they wished to proceed.

Alderman Tisdahl apologized for not being in attendance at the May Human Services Committee meeting and said she did not support banning beekeeping in Evanston. She would like to support Wendy Miller’s offer to work on an ordinance as a protective measure for the City because it would not be a City function but that of a private person in Evanston. Alderman Jean-Baptiste seconded the motion thus opening the item to be on the floor for discussion. Alderman Jean-Baptiste then asked the committee whether or not they wished to proceed.

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Alderman Holmes said she learned more about bees since May 1st than she ever thought she would. She wondered if we did ban bees how would we do that. The key thing for her in all of this is Ms. Miller took the time to educate not only herself but her neighbors which is the part we have been missing. Whatever we come up with there has to be education for the neighborhood or the neighbors where there would be beekeeping. In terms of general information she recalls from May 1st Mr. McMillan stated he happened to see the building of the hive and thinks we would not be in this situation if some education had been done. She certainly would not like to see beekeeping banned but thinks we have to provide
some kind of protection that will make everyone comfortable and is willing to work to try and come up with some kind of compromise to make sure we can appease both sides if possible.

Alderman Jean-Baptiste thought besides education there has to be consent. A neighbor could come and give him an encyclopedia on beekeeping but that may not get his consent, which is the issue here. This issue is whether or not we should allow beekeeping where neighbors have a problem with that, whether the problem is based on unfounded fear or whatever, the reality is if neighbors are not in accord with beekeeping he does not think we should have beekeeping. This specific proposal at this specific location has opposition, the status is not quo and anything can happen. We should call for a moratorium on the issue and if we can craft some kind of ordinance that can meet all of our concerns or there can be some compromise on those issues. Until then he does not see anybody being able to set up an apiary in the backyard that is not supposed to be there. He read in the Evanston Review that there were about 40,000 bees on the way, and if they are there, they’re not supposed to be there. His position now is if they are there they should not be there until the Council has made a decision where the majority has voted to go forward. He thought our staff was clear that at this time we did not yet approve setting up of any bee hives. At this particular point in time he would be opposed to having any new bee hives set in place or at least since this came to our attention he does not think this one should go forward.

Alderman Bernstein did not think there is any legal reason why we could prohibit the beehive from being formulated there. We don’t have an ordinance precluding it and he thinks there was some sense among members of the Council that Gabriel would wait, but the fact that he hasn’t waited is a mixed blessing for him. Alderman Bernstein asked Gabriel where his hive is in relative to the garage as at the time he was there a ladder was set up on the east side of the garage and thee was an open door to the garage, he did not see a beehive. Gabriel said it’s not near the property line of the neighbor, the neighbor is more or less afraid of the bees and they don’t have a problem with bees. Right now there are no more than 20,000 bees in there. Alderman Bernstein thought had we determined and voted on a moratorium that would be an unlawful hive but the fact is there is no prohibition against bees. He learned far more about bees than he ever thought or wanted to learn but the biggest problem, which is a lesson for Gabriel in civics, is neighbors have to live together. We live in close proximity to one another and any change, no matter how insubstantial it might be to you or your family may be a concern to other people. Alderman Bernstein saw the survey that was passed around but there was nothing in that survey that would indicate to him your intention to set up a beehive it just seemed as though you were doing a project in school about bees. The survey asked, “What do you feel about bees.” It was very generic especially with respect to people who live next door. It’s incumbent on you as a good citizen to knock on your neighbor’s door and let them know what you hoped to do and ask if you can answer any questions about this and why you think it won’t impact them in a negative way. Some people may say forget about it but as we all know neighborhood disputes are the worst things we deal with. You can’t mediate between neighbors that aren’t going to get along but you should have given neighbors a chance. At the last meeting Mr. Termolen said he had beehives until such time as a neighbor told him they were concerned as they were allergic, at which point Mr. Termolen removed those hives. There is a question as to what actually caused the removal of those hives but that is what was told to us on May 1st. Alderman Bernstein said he and Ms. Miller walked around Mr. Termolen’s house on Pioneer where the lots do not have much more space between the houses than the yards on West Madison Street. They met Mr. Termolen’s neighbor’s daughter, about 10 years old, and asked her about the beehives to which she answered she thought he has them, or maybe he used to have them but does not know if he has them. This was a child who had been in the yard enough times to know of the presence of the beehives in Mr. Termolen’s yard but now was not sure whether or not they existed which was consistent with the feeling he got standing and watching the bees in Ms. Miller’s back yard. He does however have concerns about swarms because the book loaned to him about bees talks in terms of swarms and the need for the beekeeper to remove swarms. He does not have a problem with working out an ordinance that will give some comfort level but we all know that we’re not going to give a total comfort level to all people. He’s not in a mode to prohibit beekeeping in Evanston because his research and conversations with people who go back a long way with bees, one of whom is his wife, has pretty much assured him about the fact that unless you get up in the hives these bees are relatively low impact on a community. The thought of bees next to him before this month of educating scared him to death and in discussing the subject his wife told him she might want to have a hive in their yard. There has been some question about the number of emails the aldermen received and the import of the emails but he was taken by the fact that people from many places in the country felt strongly enough about their passion to let somebody in Evanston, Illinois know that in their opinion beekeeping could be created and run successfully in a dense area.

Alderman Bernstein does not want to ban beekeeping in Evanston as that would be counterproductive, he does want to have some effect that can sway the fears of adjacent property owners. If that means construction of a fence so the flight pattern can verticality be up high enough that it’s beyond everybody’s level. Bees go all over and are not likely to nest next door, which perhaps they could. He would be among those who goes along with some kind of control. He does not want one neighbor to have power over another neighbor which is not fair to anyone. Today its beekeeping and tomorrow it may be mowers after 5:00 in the afternoon. We have to learn how get along together and live together and hopes in the future anybody who wants to make any modification to their property that may impact others would respect his neighbors enough that they would talk to them about it and if needed find alternative locations which is something we as aldermen
cannot necessarily dictate. In terms of banning beekeeping he is told there are many more hives in Evanston than we have knowledge of. Ms. Miller was very forthright and there is a fear if we ban beekeeping her hives will go which would not be fair because they're living compatibly and not impacted in a negative way by her large dog or her neighbors. He asked about the cost of construction of these hives because he does not want people to go out and spend money to set up a hive and then forget about it. He was told the cost is approximately $400 and hopefully the parents of the young people that are going to be doing the beekeeping have explained to them this is something that has to be maintained because if its not going to be maintained the bees are going to die. He does not know how we can control this nor if a nuisance ordinance would prohibit this, but would like to have some reasonable method of giving some comfort level to adjacent neighbors.

Alderman Moran remarked people are talking about these petitions and we're told that there are 73 signatures of people that live in this neighborhood who don't want this. When asking what kind of lesson is Gabriel learning he has to ask himself that question because Gabriel was here on May 1st and he and his mother saw that we had a very lively controversy on our hands and presumed in good faith that they would not do what they now said they have done. Whether or not it's a violation of law he considers it a breach of trust. He is somewhat amazed that this committee is enthusiastic about something that one person likes, 73 of his neighbors don't like and he wins. Alderman Moran does not know what lessons Gabriel learns on those two levels. There has been a certain amount of education that's gone on here and a lot more education can go on in terms of bees because as he said the last time they're fascinating, amazing, interesting and wonderful creatures. There are a lot of things like that are in one environment and don't belong in another environment. There's nothing wrong with beekeeping but it needs to be done in an environment that's appropriate to the activity. Bees do sting and we've been educated over, and over, and over again about how docile they are but people who have come before us who are bee lovers acknowledge that they sting and it's an unpleasant experience. Honeybees may be docile but in everything he's read no one contested the notion that they're going to interact in defense of posture and they will sting as clearly God gave them the ability to sting people as a defensive maneuver. They talk about people needing to be educated, but do you educate a young child or a dog that doesn't understand how to interact with the hive? If someone has a fear of something education will not disabuse them of that fear. Bees will sting and we know there are people who have severe allergic reactions to them. Mr. Tremolen said forthrightly he understood he had a neighbor subject to the shock syndrome and moved his bees to the Hawthorne Woods, good for him. To say people should carry the epi pens and if you get stung use it, he has heard since then people that say you can't use epi pens if you're subject to high blood pressure or certain other conditions where the use of that as an antidote is a danger in and of itself. Why someone would persist in keeping bees in a neighborhood where one or more neighbors could be subject to severe health hazards or death is beyond him. Most of the 74,000 people don't know whether they have a severe allergic reaction to bee stings or not. He does not know how this can be regulated. Will you regulate this so all this education is going to stop anyone from disturbing the hive? Beekeepers who attended last month's meeting said if they would drop an implement in the hive the bees would rise and sting them. One person said if you go in and take honey out of the hive that causes a defensive reaction from the bees because we've learned that the bees use the honey as a source of sustenance over the winter. They say bees produce 400 pounds of honey and only use 150 pounds but who's the weight keeper when they get to 150 pounds. One of the benefits that people keep repeating is that everybody in the neighborhood gets a jar of honey. Beekeeping is a wonderful occupation but he thinks Gabriel should find a place where he can keep his bees where they're not 4 feet somebody else's backyard. In all the model ordinances they say at least 25 feet, there is no ordinance that says less than that, and they can't get 25 feet away as these are 40 foot lots. Placing the hive in the middle of the lot you have 20 feet on one side and 20 feet on the other side. This is impossible to do in this neighborhood. Another suggestion is build fences, this is a community that has rules all over the books about fences, where, when, how, front yard, back yard, side yard, how high, etc., etc. One of the nicest aspects of the landscape is you can go in the backyard and if there is a fence it's a low fence and one can see all the way down the block which is considered esthetically pleasing. The regulation would be to build a 6 foot fence which would block people's view. What are the rules going to be? He thinks the idea of regulation in this environment is going to be very, very difficult to do. This is not the environment to do this as this needs to be done in a preserve, farm on the edge of town, or someplace else. If you really love it that much you won't mind driving to where the hive is located. There has to be a shared sense of what is right on this, which there is not. These people are entitled to some modicum of respect that they're not stupid, that they are completely incapable of being educated and they're not cool with this. How this is regulated so everyone in this room feels fine about this is a mystery to him and one that he does not think is going to be solved. He thinks everybody here likes bees and understands how great they are, but this a question of where they will be.

Alderman Jean-Baptiste wanted to share with the committee that after the May 1st Human Services Committee meeting one of the residents of the City of Evanston called him about an articles he saw that we have some 42,000 to 60,000 bees on the way because the status of the situation at the time it was discussed was there were no bees or no hives. Alderman Jean-Baptiste then called Mr. Terry as he thought there were no hives set up so the bees were not in town yet and asked him to please communicate to Gabriel and his mother that we cannot go forward until there is some decision on the part of the Council. Even though we don't have an ordinance prohibiting this neither do we have an ordinance allowing it. The status quo at the time we were discussing it when the problem was presented was that nothing was going on. Mr. Terry
The problems put forth tonight are more unlikely than likely to happen. We have to consider that this is not just about Gabriel's house. He's not saying there are not going to be problems or people are not educated, he has a sense that the real problems would have signed that survey as at that time he had serious questions about the impact of a hive in close proximity to the yard of his constituents voting not to ban bees. There are at least 4 hives in Alderman Moran's neighborhood and wondered if Alderman Jean-Baptiste called for a vote on the motion to prohibit beekeeping in the City of Evanston.

Motion to discuss a moratorium.

The first vote will be on the ordinance and then we have to consider which way this vote goes there is an understanding that this status quo is what we should operate from. When it came to the table for discussion there were no bees at that location. The first vote will be on the ordinance and then we have to consider which way this vote goes there is an understanding that this status quo is what we should operate from. When it came to the table for discussion there were no bees at that location. The first vote will be on the ordinance and then we have to consider which way this vote goes there is an understanding that this status quo is what we should operate from. When it came to the table for discussion there were no bees at that location. The first vote will be on the ordinance and then we have to consider which way this vote goes there is an understanding that this status quo is what we should operate from. When it came to the table for discussion there were no bees at that location. The first vote will be on the ordinance and then we have to consider which way this vote goes there is an understanding that this status quo is what we should operate from. When it came to the table for discussion there were no bees at that location. The first vote will be on the ordinance and then we have to consider which way this vote goes there is an understanding that this status quo is what we should operate from. When it came to the table for discussion there were no bees at that location. The first vote will be on the ordinance and then we have to consider which way this vote goes there is an understanding that this status quo is what we should operate from. When it came to the table for discussion there were no bees at that location. The first vote will be on the ordinance and then we have to consider which way this vote goes there is an understanding that this status quo is what we should operate from. When it came to the table for discussion there were no bees at that location. The first vote will be on the ordinance and then we have to discuss a moratorium.

Alderman Jean-Baptiste noted hearing no discussion a motion has been moved and seconded to support banning beekeeping in the City of Evanston and called for a vote from the committee. He wanted it understood that regardless of which way this vote goes there is an understanding that this status quo is what we should operate from. When it came to the table for discussion there were no bees at that location. The first vote will be on the ordinance and then we have to discuss a moratorium.

Alderman Jean-Baptiste called for a vote on the motion to prohibit beekeeping in the City of Evanston. Motion defeated 3-2. Aldermen Bernstein, Holmes and Tisdahl voted no. Aldermen Jean-Baptiste and Moran voted yes. Alderman Jean-Baptiste said this now moves to Council from this committee where there will be further discussion at the Council level and a determination made as to how to proceed. If the Council votes to prohibit that's what will happen, if the Council votes not to do so then they will instruct the legal staff to develop an appropriate ordinance.

Alderman Bernstein did not know whether we have the authority to entertain a vote for a moratorium. We could take a
consensus of the committee to take to the Council that we would like the consideration of a moratorium so that it can be put on the City Council June 12th Agenda and there will be adequate notice to vote for it. A moratorium done without the proper prelude is invalid. We can indicate our sense to the Council but we should move forward in terms of asking the Council to consider a moratorium on beekeeping until such time as we can determine what course we’re going to take.

Ms. Dickman said her understanding was there was no understanding at the end of the May 1st meeting. There was just a phone call to her that seemed very threatening. Alderman Jean-Baptiste asked what was said on the phone call. Ms. Dickman said it was, “what are you planning to do with bees?” Alderman Jean-Baptiste asked if that was all that was said. Ms. Dickman said she responded she’s not really sure and guesses they’ll put them in a nature center and was basically told that’s the right answer. Alderman Jean-Baptiste asked if the individual that called her was from the City and by saying that’s the right answer was saying it shouldn’t be in your backyard, to which Ms. Dickman said, yes she did and understood this was a phone call that happened after the meeting. Alderman Jean-Baptiste asked Ms. Dickman if she understood that communication to mean that you shouldn’t have it your backyard at this time. Ms. Dickman responded, yes, the government acts on laws but there are no laws prohibiting it. Alderman Jean-Baptiste said you’re right there are no laws prohibiting it and there are no laws allowing it. Ms. Dickman said she did not think that was a democratic process to get this phone call, to which Alderman Jean-Baptiste said the democratic process is that we’re trying to make that determination, you participate, your neighbors participate, others participate, so we can come to some kind of conclusion, we don’t move forward in the midst of this debate. Ms. Dickman said that was not clear. Alderman Jean-Baptiste noted when Alderman Bernstein said we cannot ask that we operate from the status quo because that is what the moratorium is until we make a decision the status quo is that it’s not prohibited, there’s a case in point before us. Legal may have an opinion on what it means when we have a particular issue that there is a proposal to prohibit but it’s not allowed. Does that mean that people move forward while the City’s legislative body is considering how to move forward and whether or not it will have a law that allows or prohibits. Ms. Dickman said everybody thought status quo would remain until a decision was made but does not think there is a legal basis for it. Alderman Jean-Baptiste said we can’t move with impunity and asked what does this mean?

Alderman Bernstein suggested that just because it’s not specifically prohibited by our code does not necessarily mean that it can’t be done. He absolutely agrees with Alderman Jean-Baptiste and his sense was that Ms. Dickman would be operating in good faith and by saying that he’s not impugning her but truly believes she was part of this process and was giving her information, we solicited other information and are moving forward based on Gabriel’s application to the extent that we had the month in which to do our homework and fully expected that Ms. Dickman would have delayed bringing the bees into Evanston. That’s not to say someone in his ward could have not gotten some bees set up. His issue in respect to moratorium is he would move that we suggest this to the City Council because this was not a matter on our agenda tonight and there was no notification. He does not know how many people want to raise bees in this City but should have taken the opportunity to come in and say don’t impose a moratorium.

**Alderman Bernstein made a motion that we pass along our recommendation that the City Council consider an imposition of a moratorium on the implementation of new apiaries in the City of Evanston which is not with respect to anything that’s pre-existing.** He does not know if there are any in his ward but hears from people about a whole lot less significant things to him than swarms of bees and would anticipate that if there were problems of beehives in his ward he would have known about it. He does not know if we can retroactively impose a moratorium but would think not. From this point forward the bees are there we will need legal counsel to come up with a method by which we can remove them if that’s our decision which right now does not think we have a legal right to do. Alderman Jean-Baptiste and Alderman Moran might differ but the fact that it’s not prohibited to him means that it’s allowed. They followed the law but did not follow the spirit of our committee, that’s humanity not the law. To impose a moratorium retroactively there will have to be an investigation which his sense is we will not be able to do. His understanding and expectation was that the status quo would have been preserved when he walked out of the meeting on May 1st.

Alderman Moran said at a minimum he would support the recommendation to the Council in relation to the imposition of a moratorium going forward but thinks it’s a bit more complicated than what Alderman Bernstein is saying. He would ask legal counsel to give consideration to our ability to impose a deeper moratorium based on the fact that there appears to have been a situation here where misleading statements were made to official representatives of this City regarding this particular matter. In his mind the significance of that is the question becomes if an honest response were given that we’re going to bring the bees in there would have been an opportunity to move for a moratorium based on a fair an honest statement of what the intention of the parties were which apparently was not made. A statement that was not reflective of reality led to inactivity where otherwise there very well could have been activity. As everyone seems to agree they felt, and how he felt, given what occurred at our last meeting, for someone to move forward in engaging in this activity he thinks is a breach of faith in terms of the community discussion. Now it’s more serious than that because somebody didn’t tell the truth about their intentions that could have affected City activity. Ms. Dickman said those were her intentions but she changed her mind. Alderman Moran said he would ask that our legal counsel look into that.
Alderman Jean-Baptiste stated this is not philosophical, this is reality. There’s a beehive of 20,000 bees next door to people who fear them. It’s not some kind of idea, its real and he does not think we should allow these things to go on where they pose a real threat to people, real or perceived. While it is pending it’s before us and he does not think anybody can move with such impunity to do their own thing. This is not just a question of breach of faith as we were proactive in moving forward and he has the consensus of at least 4 or 5 members of this committee to ask that this apiary be removed just as we have communicated and understood that it would not have been placed there and would ask that it be removed.

The Council will determine what will be done, Ms. Dickman’s legal right may be protected and a judge may rule that we are in violation of her right but at that particular point in time we’ll cross that bridge. Until then it was our intent to consider this and give it as much time as possible and come to some kind of conclusion as to whether or not we should go forward. We explicitly communicated our position and at this point think the hive should be removed.

Alderman Bernstein said the issue that we ask Ms. Dickman to remove the hive is we have a consensus of 5. He thought he made himself clear that he’s not in any way condoning her actions. His question is philosophical in nature because its whether or not in fact our agent communicated our intent and does not know if they did because we did not have an intent, our intent was unspoken. He thought in good faith the bees would be left out of town until we decided otherwise and had no reason to believe they would be brought in town during the tenancy of our liberations but he’s been fooled before and would agree if the other 4 members are saying Ms. Dickman please get those bees out of town until such time as a vote can be had to determine whether or not they’re going to be brought in legally and if so how, he would join that consensus. He does not know if we have a legal right to impose a retroactive moratorium having the moratorium process with building it’s more than just our statements and feelings that are necessary to impose a moratorium. We don’t know what’s going to happen as there are certain concerns expressed which may or may not come to bear which are the kinds of things we have to discuss in order to formulate and pass a moratorium. Alderman Moran gave a good argument for Ms. Purze to follow with respect to how we can preclude them from keeping these bees if in fact the scenario went as indicated. The 5 of us are asking to please remove the bees until such time as we can make a determination; this committee has already voted which is bigger than just Gabriel and not taken case by case. It’s for the entire community and is very important for us to get it right which is what we’re trying to do and hoped that you would give us the fairness and respect to let us do our job and what’s right for everybody.

In terms of the timing of this Mr. Terry wanted to make sure everyone both on the committee and in the audience knew the City Manager’s office has implemented a schedule in terms of the packet and Council agenda items. The agenda and all its supporting material for next Monday night’s meeting is 99% ready and in order for the appropriate staff work to be done on this ordinance this will be on the Council agenda for June 26th and will not be on the June 12th Council agenda. Alderman Jean-Baptiste said they will conclude this committee’s discussion on this issue and ask legal counsel to look into the information to see how we can move forward on this.

Mr. McMillan wanted everybody present tonight to note that this is his neighbor who he has to deal with every day. He is an engineer and deals in ordinances every day and is used to looking at them going over them to see if they make sense or not. There is an ordinance in place in Madison that works. He just wanted to make sure everyone was aware of the support for the ordinance.

Alderman Jean-Baptiste thanked everyone for their comments and views on this issue.

VI. CONSIDERATION OF ORDINANCE 68-O-06 AMENDING THE TOBACCO LICENSE ORDINANCE TO PROHIBIT SALES WITHIN 500 FEET OF SCHOOLS

Alderman Holmes moved approval for Ordinance 68-O-06, motion seconded by Alderman Jean-Baptiste.

Alderman Holmes remarked she did not have a chance to talk with Mr. Terry about this issue but after reading the information in the packet has no problem with 250 feet rather than the 500 feet considering the implications of the finances involved. The real issue she has problems with is tobacco being sold to under aged children, selling them 1 and 2 cigarettes, and being done near schools and parks where there are large numbers of children, particularly at the high school. The Church/Dodge area is of primary concern and she’s happy to accept the staff’s recommendation of 250 feet rather than the 500 feet she asked for if that will help that situation.

Mr. Terry said as he understands the intent there are actually two issues here, one is the distance issue and the other is...
the grandfathering. He asked Alderman Holmes if she was proposing to eliminate grandfathering within 250 feet, to which Alderman Holmes responded, absolutely. Alderman Jen-Baptiste asked Mr. Terry to clarify the terms of rationale for this reference. Mr. Terry said there are two parts to the original reference. Currently the ordinance banned cigarette sales 100 feet from schools and childcare facilities. At the time that ordinance was passed all existing providers were grandfathered in which did not put any existing tobacco sellers out of business. This proposal would be to now increase the distance to 250 feet and that ban would now affect those current tobacco license holders that fall within that radius.

Alderman Holmes was concerned because there was a particular owner within 100 feet of the high school that sold their business, the new business that came in wanted to take over their license but could not. The new business then moved 25 more feet north and is selling tobacco there. That is a slap in the face of the community and what we are trying to redo to revitalize that area, which is why she made the reference.

Alderman Moran asked what does the 250 feet versus the 500 feet do effectively. Alderman Holmes said that is detailed on the Cigarette Tax Projections memo in the packet. Alderman Moran noted both projections are for 500 feet and wondered what the difference is. Mr. Terry said that would have to be done through the G.I.S. system to find out how many current license holders would fall within the 250 foot perimeter. Alderman Moran was happy to support the expungement of the grandfathering and is not promoting any of this for anyone to the extent that we can at least extract some money from these people who sell this stuff and thinks that is a relevant consideration. He'd like to hear more on how much we'll hang onto if it's 250 feet rather than 500 feet.

Alderman Tisdahl asked about the selling one or two cigarettes, and assumed that is geared only at kids. Mr. Terry clarified that is a violation of the existing ordinance which is not to say it doesn't happen.

Alderman Bernstein wanted to know the distances from schools from Dominick's and Jewel as they sell cigarettes. Alderman Holmes added she looked into that and there is also a Walgreen's which is the reason for the 250 feet.

Alderman Jean-Baptiste asked if the committee is at a phase where there will be further investigation and information for this to be held in committee. Alderman Holmes asked Mr. Terry if this is for the 250 feet she is willing to hold this until the next Human Services Committee meeting. Mr. Terry said this could be done either way, we can have it for the June 26th Council meeting to make the judgment then or we can certainly have the information for the July Human Services Committee meeting. We can have that 250 feet impact number for you for either meeting. Alderman Jean-Baptiste asked Alderman Holmes what was her preference, to which Alderman Holmes said her preference was to have this information for the June 26th Council meeting. Alderman Jean-Baptiste asked if that meets with approval for the other committee members, which it did. Alderman Jean-Baptiste stated this will be forwarded to Council with the necessary research and data.

VII. COMMUNICATION: EVANSTON ALLIANCE ON HOMELESSNESS
Committee members acknowledged receiving and reviewing this communication.

VIII. ADJOURNMENT
The meeting was unanimously adjourned at 9:52 p.m.

Respectfully submitted,

Audrey Trotsky, Department of Health and Human Services