

**CITY COUNCIL
HUMAN SERVICES COMMITTEE
Monday, July 17, 2006
Civic Center - Council Chambers
5:30 P.M.**

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

STAFF PRESENT: July Aiello, Elke Purze, Brad Yatabe, Carla Bush, Bob Dorneker, Doug Gaynor, Paula Haynes, Harvey Saver, Jay Terry, Audrey Trotsky

OTHERS PRESENT: Mayor Morton, Rosemary Jean-Paul, Evanston Township; Sue Cantor (Mental Health Board); Betsi Burns, Marc Casady, (Playground and Recreation Board) ;(See attached list of Attendees)

PRESIDING: Alderman Jean-Baptiste

I. CALL TO ORDER

Alderman Jean-Baptiste called the meeting to order at 5:35 p.m.

II. APPROVAL OF THE MINUTES OF THE JUNE 5, 2006, MEETING

The minutes of the June 5, 2006 meeting were called and unanimously approved (5-0).

III. CONSIDERATION OF JUNE 2006 TOWNSHIP MONTHLY BILLS

Alderman Bernstein motioned for approval of the June 2006 Township monthly bills, seconded by Alderman Tisdahl. Alderman Tisdahl had a question regarding the Carrot-Top Industries, to which Ms. Jean-Paul responded those are the flags they plant for Memorial Day. **Hearing no further questions or comments Alderman Jean-Baptiste recalled the motion to approve the June 2006 Township bills, motion unanimously approved (5-0).**

IV. RECOMMENDATION TO AUTHORIZE THE PARSK/FORESTRY & RECREATION DEPARTMENT TO HIRE A CONSULTANT TO SURVEY THE COMMUNITY'S NEEDS AND INTERESTS FOR INDOOR RECREATION SPACE

Betsi Burns, current President of the Playground and Recreation Board said her Board is asking for a Request for Proposal for the hiring of a consultant to complete a survey on the community needs and interest for indoor recreation space. It has been noted under the strategic plan that something needs to be done with Robert Crown. At this point they need some direction from City Council to move forward. The last community needs survey was completed in 1995 which they feel is outdated and there needs to be an assessment of the entire needs of the community. The Crown Center is a very large center and they need to know if they could keep this facility as is with current functions or need to add additional functions. Multiple constituencies have come forward stating there needs to be addition facility space for soccer and lacrosse, and are looking at looking what can be done to assess the needs and move forward on this project.

Alderman Bernstein asked if the \$200,000 was the figure from last year and how much of that amount is left. He was told \$134,000 is left.

Alderman Tisdahl noted the committee's next agenda item will be discussing youth ages 16 to 24 trying to reach out to them and find what their needs and interests are. She wondered if you are going to make efforts to reach out to that age group especially to those who don't readily respond to surveys. Ms. Burns said they could make part of their program making sure the consultants have that charge, as this is a group that needs representation in the survey.

Alderman Moran asked if they have developed any idea of approximately what it would cost to do this survey, to which Ms. Burns responded, no. Alderman Moran then asked if the survey is going to be tethered to set up at Robert Crown as it might be envisioned in a different form, or is it just a general interest survey. Ms. Burns said it would be a needs survey of what's needed in our community and they will then bring that back to Council to figure out what the next step is. Last year the Council received Crown Center's multiple options, right now they just want to know what the needs of the community are to have some direction instead of moving forward without fully investigating what the needs are. Something needs to be done and they want to make sure to take full advantage of it while they have this opportunity. Alderman Moran wanted to confirm if this would be more or less attached to the Crown Center. Ms. Burns responded, it would, Crown is a part of this and until they have this survey they can't give recommendations to you on what they envision where they're moving forward with the Crown project.

Alderman Moran moved to charge the Recreation Board to go forward with this development of a request for proposal. Alderman Bernstein seconded the motion.

Alderman Holmes asked if the \$134,000 left would more than cover the cost of the consultant and was told they believe it would.

Alderman Bernstein wanted to clarify that this would not be specific to Crown but will be determined as to what kids want and where it should be located throughout the City. **Mark Casady, Playground and Recreation Board**, added this is more than programmatic as there is a need for an additional facility besides Crown. Ms. Burns noted this was looked at as laid out with the possible options back in 2005.

Alderman Bernstein commented, speaking solely for himself, we have a recycling center on Oakton Street totally underutilized, which he does know whether its big enough or what the soil circumstances were with respect to making it some kind of facility, but asked that you please look at that too.

Alderman Jean-Baptiste asked what triggered this initiative at this particular point in time, was it in terms of our strategic planning and the need to reassess recreational needs to make the proper recommendation. Mr. Gaynor said a couple of things kick started this again. With direction from the Council this was put on hold because of the great financial issues they had and it didn't make sense to come to a decision whether to repair Crown or do something else as we had no idea where funding would go and whether we had funding for the next several years. That now seems to be behind us. In the strategic plan it says City Council staff will come to some kind of direction on the Civic Center and Robert Crown. Over the past several months the Recreation Board has heard from the community saying they need a new soccer facility, among other things. It was recommended by the Recreation Board to look at the greater picture so that all of it comes together and we know just what we need to be building from the survey. They thought that would be a good start to help the Council in their deliberations as to where and how we move forward with Crown.

Alderman Jean-Baptiste asked if the charge to the consultant will be given by the Recreation Board and staff working together and recalled a publication from a year ago on best practices in the area of recreation looked at existing facilities and whether or not they were earmarked for recreation. They looked at schools and other buildings to make an assessment of actual utilization of potential use and whatever impediments stood in the way of that some of which were transportations and others. They were able to develop a program that met the needs of the youth in the community. Alderman Jean-Baptiste suggested that the Board go beyond existing facilities that are utilized for recreation and raise the question as to whether or not some local schools could be used for that purpose in after school programs. Another article on after school programs came out fairly recently and one of your packets included that type of information. The charges should be broad and call for thinking outside the box as a limited survey was done in 2001 for Crown where the usual questions were asked and the usual answers were given by the usual crowd. We have to reach out as far and wide as possible and think radically in terms of trying to do something. During the time he campaigned he heard that there is nothing that answers to the social cultural recreational needs of this diverse community. He does not know whether or not that is your charge but is letting you know some of the options people are thinking about.

Alderman Jean-Baptiste noted it has been moved and seconded to hire a consultant to do a survey, not to exceed the \$134,000, of the community's needs and interests for indoor sports recreation space and called for the committee's vote. Motion unanimously accepted (5-0).

V. UPDATE ON ACTIVITIES RELATED TO THE YOUTH ENGAGEMENT OBJECTIVE

Ms. Aiello noted a report was provided to the committee dated July 10, 2006. The last update was in May when we identified 157 programs funded by the City and at that time also indicated we are not going to go forward to engage a consultant as they did not think that was the best use of the City's funds. We wanted to find better ways to get the youth engaged to find out what they want and how to best serve their purposes. A recent graduate of Northwestern University was hired; who is currently at a national conference which is telling us this is a nation issue from the number of national conferences now on how to best reach out to the youth. In the report we tried to give you a brief update but more importantly to get into the areas that we've identified, recreation, job skills and employment, social services, public safety, ideas for a youth summit, and parental accountability. We tried to give you an overview to tell you what we think the issues are and then come up with some recommendations. The members of the team, Mr. Terry, Ms. Haynes, Mr. Gaynor are here and wanted to have a dialogue with you. If we proceed to develop programs based upon the issues and recommendations set forth we are on the right track if the committee feels we're getting to the issues in the appropriate manner, and if not we want to understand where we need to change our direction.

Alderman Moran remarked as he read this a couple of things stood out, one in terms of job preparation and readiness you're on the right track by connecting with the high school. We've issued substantial funds to them pursuant to state statutes specifically with the idea of job readiness, ability and education and a partnership with them would be a good thing. Also, this is a good time to pick that up and develop that with the new superintendent coming into the school. He salutes you for suggesting that as that is a good focal point for our efforts in terms of job readiness, preparation and training. He likes the idea accessing the Mental Health Board, the CDBG Committee, United Way and the Evanston Community Foundation. For the last 15 years we've done a lot to try to get agencies to cooperate and collaborate with each other. He personally was involved in this and felt that we never succeeded in a significant degree. Looking at the groups of major funders and bringing them together to try to develop a consensus agenda on that given that they hold the check books this may make a difference in terms of encouraging agencies to work together.

Alderman Holmes was interested in why only 7 individuals attended the conference put together for the agencies. She asked if it was that we did not advertise it enough. Mr. Terry said invitations were sent out to the Executive Directors and it was designed to be a brain storming session among center directors, middle school principals, and agency directors trying to think outside the box. Alderman Holmes thought it disturbing that the attendance for this session was so low. In April the Evanston Youth Initiative did a fantastic job of reaching out and getting youths of all ages, particularly the 15 to 24 youth that may have dropped out of school and did not have connections. She is concerned about all the youth but some of the youth have the wherewithal to connect and some don't, it's those who don't connect that we have to keep our hands on. She is excited about the possibility of extending the Summer Youth Program year round as that is wonderful for those kids who are in school but we still need to connect to those who are not in school and have no areas to be employed. Ms. Aiello said that is why when discussing job skills/job training we divided it for those that are enrolled and those that aren't as the strategies are going to be different. We think a partnership with the high school would help but are not sure what the strategies are going to be for those that are not in school or in a formal work study program. Part of what we hope our new employee will do is find out where the kids are hanging out this summer, talk to them and find out what their issues are and how we can begin to develop programs around what they need. We are looking into not only inviting the youth but the agencies and making it mandatory for those that we fund to try and combat the issue of people not showing up. One of the things we felt strongly about was if they want our money they're going to have to spend a day with us and come out of it building upon what the initiative did and also coming out with a game plan for specific targets.

Alderman Bernstein thought we have to re invite these agencies to another summit meeting and he would like to see those that choose to attend and those who choose not to attend. We talked about bringing our dollars together because anybody taking our money should definitely be on the same page that we are. It always discourages him when we have public meetings how few people show up. You see the same cast of characters, but there are just too few. It's incumbent on us as a Council, if we believe that vocational training is important to indicate that to District 202. His impression is that they have done away with that which in a large part may have caused the self fulfilling prophecy that kids for whom the education is no longer relevant drop out. If they can't learn how to do something meaningful that they can make a living at, why go to school. The woodshop is closed at the high school. Although Superintendent Alson had different ideas and wanted everything to be college prep which is not real in this community nor in most communities. We have students whose needs are not met at the high school. When we gave them the first TIF dollars it was coordinated with the Youth Job Center who had a facility there and we encouraged CD to interact with the high school because at the time Youth Job Center did not have anything more than a desk in the building. We wanted them to expand and make good use of them which he does not know if that was done. Last year we asked Youth Job Center about their interaction with the high school and found there was very little interaction with them. Superintendent Witherspoon is new and Alderman Bernstein is not sure how he feels with respect to the need for vocational education. He thinks its very important and maybe we can bring the disenfranchise back into the equation if there is something they can do to see some end goal other than qualifying for a college exam that they will never make use of because their intent is not to go to college. We then have the question of how to reach the unreachable.

Ms. Aiello said one of the things they are hopeful of is that the City School Committee would make the issue of vocational education an ongoing focus of this year. Our hope is as soon as Dr. Witherspoon is settled in we're going to schedule a meeting with him if we can get the City School Committee to take this on as one of the issues. Also, we will need the support of those members of the Council who sit on the Community Development Committee to make sure that the funding is also appropriately designated as part of your focuses.

Alderman Holmes remarked there was a discussion at the last City School Liaison Committee in terms of what can happen. She spoke to Dr. Murphy and Dr. Alson about the possibility of doing some kind of pilot program because we know there are some kids who can be identified as early as middle school who are not college bound and we want to try to get them into a track where they can be productive citizens.

Alderman Bernstein asked if this committee can come to some consensus as a Council that vocational training is an important goal of ours, then the City School Liaison Committee can move forward with that.

Alderman Tisdahl said the Board did have an entire career pathways committee and worked very hard at vocational education. One of the things she learned that we all have to keep in mind is the high school cannot prepare students for every career that's out there, they can only pick a certain number that will be much smaller than we all want. Because of the diverse jobs that exist today there is no way that one high school can prepare students, therefore one of the things we aimed at for all of them was to merge them in Oakton classes so they could be relatively well guaranteed to get a job in an industry that needed workers. The possibility of preparing everyone for every career is not easy nor do we have the kind of money that something like that would take even if the high school gave up preparing them for college. Another point Alderman Tisdahl wanted to make is that E.T.H.S. has difficulty finding out who comes back after one semester at college. There should be a better way to track this. We have a postcard system that tries to track whose still in school but anyone who hasn't done well that first semester doesn't want to return their postcard and admit it and those students are hard for E.T.H.S. to track. If it became known that E.T.H.S. had some sort of system with the City's help, available for kids who did come back that would be a wonderful thing but as of now once you're out the door, that's it. There was some discussion about students who need scholarship help to continue after the first year and having some place to go for some kind of counseling. The high school would be a logical place but money is an issue. If students knew there was a place they were welcome they'd come and admit that the semester hadn't gone well if they received help rather than just a postcard.

Ms. Aiello said that was one of things highlighted in the discussion Mr. Terry had with the high school. This was put under the recommendations for the out of school or the under employed because we weren't sure if there was an interest on the part of the high school to stay involved. Mr. Terry added at this point that was identified as a need and the high school has also gone through various stages in terms of their relationship with Oakton. Some years it's good, some years its not and that was seen as an opportunity for future working together.

Alderman Tisdahl remarked in talking about programming and space and having to get rid of some programs that exist in order to have new programs for the 16 to 18 year old crowd we found that is a night age group. We did surveys and found there was nothing going on Saturday night, the drop in nights were very well attended, but you will find there is more space available for evening programming. Ms. Aiello added that is part of what they want to be able to do and hopefully is part of the survey. We think of the old Lighted Schoolhouse Program and through the City School Committee how we can get an inner governmental agreement that lets us use that with those facilities with a little more ease then there currently is.

Alderman Tisdahl was very upset at the agencies not coming to the meeting when they were invited to attend and wonders how many meetings do we ask them to come to. Is this because we're always asking them to come to meetings? Mr. Terry said he made it very clear that was tied to the strategic plan and was aimed at some discussion with executive directors. Alderman Tisdahl would like to know who did respond, look at this positively, and give those agencies extra credit when they're applying for funding.

Alderman Moran noted there are obvious limitations to what the high school can do on the vocational training. He would hope in conjunction with our partnership the high school would go out into the community, and not be satisfied with just what can be taught in a vocational training program but try to develop internships or apprenticeships and start drawing on some of the other resources in the community so a larger array of spectrum of vocational tracks can be accessed throughout the city or the surrounding area. The idea of making connections within the mercantile community itself is very important; to learn how to do the job, land it to make the connections. It's easier to get a job when somebody knows your face and name and the idea of making that connection into the broader community would be a critical piece of an effective training program.

Ms. Aiello said that is why we recommended that we try to extend the Summer Youth Employment Program in a year round program to open it up to people who aren't in school. This year we have 83 summer youth jobs in the private sector, the largest number we have ever had. We think we have momentum now that the employers know the Summer Youth Employment Program is going to provide them with a good worker and if we can expand with that we have some potential. This is another area where we can also partner with the Chamber of Commerce.

Alderman Holmes thought we have to go with the particular age we're talking about for vocational training we need to think outside the box and partner with another community as we would not expect the high school do all of the trades. There is a school in Chicago, Dawson, that does that and we might be able to work out an arrangement to get our kids involved. Alderman Holmes wanted to mention the tiny project that has been ongoing for a year with Daniel Shavetz, for 7 kids off the street that have been learning a lot of different kinds of general contracting jobs. Those kids are still working there and that is amazing.

Ms. Aiello remarked once Chief Kaminski gets to the high school he'll be out on the street getting to know those young people. There is more opportunity to partner with the high school through the Public Safety aspect but Mr. Gaynor has

been pointed out that some of the young people don't feel safe going to some of our programs. The point and part of what we need to do is to make sure there is a safe environment for them to go back and forth to the programs.

Alderman Bernstein was thinking in terms of vocational training not wind tunnels and robotics but toilets, bookcases, electrical wiring, automobile repairs, training for trades that will give them a good living. We have to encourage the high school to provide some kind of program for trades. We need to get to the kids who are willing to make their hands dirty to make a living which is the part of the population we're missing.

Alderman Jean-Baptiste thought vocational training should be available to all students, those who have that propensity should have the option to go in that direction and those who may be college bound can follow their goals. The high school is always going to have a very high objective of achievement as they're in the ninety percentile of kids going to college. If we have some vocational programs that work that one can evaluate at the end of the year and the type of training that will help these kids pick up a skill they can use for survival. The overall report reflects some great thinking and commitment. Theoretically we are where we need to be with these issues and now need to start implementing them which is the hard core work that has to be done. We have to find a way to inventory the youth who are falling through the cracks. When Superintendent Alson gave his update he said about 144 kids drop out of school every year, which over time is a significant number of young people who may have picked up jobs but there are others who live off the community. We have to inventory that and try to monitor what is going on with some of these youths. The relationship with other agencies is about trying to make them accountable and trying to have some sense of management of that delivery of service even if it is by reporting to us. We don't have to micromanage them but they have to come around the table. Many of them know if they are not cooperative when they come for CDBG funding or other funding sources we have it will be difficult to get so they eventually will have to come around.

Mr. Terry wanted to comment that he was the first disappointed person when they didn't come to this meeting. However, one of the things he has stated over time is its not that they're necessarily uncooperative or uninterested but what we have allowed them to do over time is to define their own success measures. We have never told the agencies this is what we want you to do, this is what we see as your goals that you have to achieve. They all do good work but they also have defined what is the good work they want to do and it's not that they're mismanaging or not wanting to work with us but at some point very soon there's a burden on us to tell them this is what we want to see different in our community and this is what we'd like you to work toward.

Ms. Aiello thought our next steps would be is if there are no observations, issues or recommendations that we've identified that you don't us to move forward with she would recommend that we take this memorandum to the City Council to get their review, discussion and approval. Once we do that we will be able start to develop a program. Some of the ideas we have set down we don't have money for now and will have to make budget recommendations for. Both our new staff person, Sheila, and Gwen, our intern, who will be working on this has chosen to do youth for her graduate project giving us an extra set of hands to work with us for the next several months. Our goal would be to have the next City School Committee outline this issue for them in addition to having our discussion with Dr. Witherspoon beforehand and then have a summit with the various funding agencies right after Labor Day and try to target our youth summit for late fall. Our goal is engaging the youth is as soon as Sheila can get out in the community as we're trying to identify places to go to begin to understand what's going on in the community. If there's no objection we will set this for the next Council meeting.

Alderman Bernstein asked who's funding Sheila, to which Ms. Aiello responded this is part of the money approved last year. Alderman Holmes wanted to commend the Recreation Department's Basketball Program at Mason Park and thinks what we're doing is wonderful. She's gone there on different nights for the past two weeks and finds it is going very well. Alderman Holmes's other comment is about parental accountability which she hopes we will continue to move forward on. We have to let parents know if things happen, they have to be accountable for their children. Ms. Aiello added they are hoping that is one of the areas they will have some best practices in.

Alderman Tisdahl asked Mr. Terry about the reference in the report that there is an increase in teen pregnancies and STD as they were decreasing in the high school. Mr. Terry responded that was in the draft but was not to be included in the report. The figures are not dropping dramatically but neither have they increased, they remained the same.

Alderman Jean-Baptiste asked if the next time this committee comes before Human Services you can give us a sense of application of what is going on in job training. Your report before is quite comprehensive. Ms. Aiello said we wanted to give you an idea of our thoughts and the work we've been doing, now we have to put it into a plan, get some funds to do it, and move forward. Alderman Jean-Baptiste thanked everyone for the fine report.

VI. CONSIDERATION OF ORDINANCE 68-O-60 REGULATING THE ALLOWABLE DISTANCE FROM SCHOOLS FOR TOBACCO LICENSES

Alderman Jean-Baptiste noted the last time this was discussed on the Council floor the language needed to be worked on for a decision as to the distance. Mr. Terry commented that all of the discussions from the last City Council meeting were taken and incorporated in that language but there is one thing they were not able to address. They looked at a variety of distancing mechanisms but Alderman Rainey raised the concern about any change in this ordinance on the negative impact on the economic viability of Oakton and Asbury. There is no way to change the language that a meaningful impact in the radius from the high school without having that same impact at Oakton and Asbury.

Alderman Bernstein remarked our existing ordinance actually does mandate prohibition of sales to minors and asked if we're trying to enhance the ordinance or just trying to redo it. He knows we don't want to sell cigarettes to kids but we may never have the enforcing to the current ordinance. He's satisfied that the one store he's trying to protect is for the residents at Albany Care. With respect to the Osco it's not going to be a 150 feet distance from the middle school. Mr. Terry said these are two different very similar issues, one is yes, we prohibit tobacco sales to those under the age of 18 anywhere in the City and that ordinance is enforced, the Police Department does regular sting operations. The 100 foot barrier between schools and other locations was put in place by the Council about 10 years ago because of concern generated about the high school. At that time Alderman Kent brought this forward wanting to particularly address the issue of tobacco sales in the commercial districts near the high school. In that ordinance the 100 foot barrier has been enforced, however, there had been providers who had 101st foot, applied and were legally granted a license.

Alderman Holmes brought this back again because it's a concern not just at Church and Dodge but in other areas. She's very concerned in her ward in terms of our young children being able to purchase cigarettes not by the packet but by individual cigarettes. She does not know that this will even solve that problem but at least we should have it far enough away and originally why she wanted a distance of 500 feet. This may not be an issue for anybody else as she understands the economics of some of the other places in the City and is willing to do what is most economic for the City. She does not think this is an unreasonable amount of space.

Alderman Jean-Baptiste did not think there was a disagreement about the 150 feet but there was some specific reason we wanted to exempt some places. Alderman Bernstein's concern was not necessarily economic for that store, although they probably derive a great deal of economic gain. His concern was for his constituents at Albany Care who need to smoke cigarettes because they don't have much else. It is a controlled drug in addition to their meds and keeps the lid on things there. People who don't like smoking don't want him to say this but that is the reality.

Leonard Lamkin from the 9th Ward, said when he originally came before the City Council it was a plan to eliminate the vending machines and was done by City Council because vending machine owners were not paying revenue stamps making them illegal vending machines. The original ordinance was 500 feet and Alderman Kent negotiated with some stores that would have been put out of business. When they negotiated they said no window signs advertising tobacco in any of those stores. The store you're talking about has window signs violating the ordinance 24/7. He does not know what the penalty is for that violation. He does not want to put anybody out of business, but if this was a drug house selling to our kids we wouldn't be having this discussion about economics. Tobacco is an illegal drug for our children. What he suggests is not put them out of business, come up with whatever distance you want, increase the penalties and make them mandatory. The first offense, \$500, whether it's the clerk, the manager or the owner they pay the \$500 fine to the City for selling to kids and lose the ability to sell cigarettes for 20 or 30 days. Any time they commit the offense they pay more, then don't allow them to renew the license. If we care about young people you won't allow these people to sell tobacco to our kids.

At this time 6:45 p.m. Mayor Morton arrived at the meeting.

Alderman Jean-Baptiste asked the committee if they're okay with the distance and found there was unity on the committee regarding the distance. Alderman Bernstein noted Alderman Rainey probably will not be okay with the distance unless we can get Trader Joe not to sell cigarettes. Alderman Jean-Baptiste remarked that is a non issue, 150 feet is what this committee has accepted. Alderman Bernstein was concerned with the display of cigarette ads in store windows near the elementary school. Mr. Lamkin said the windows that face Park School do not have signs the signs are put on the side windows not facing the school. Alderman Jean-Baptiste had a comment from a constituent who suggested we include elementary schools and have two exceptions, Rice Children's Center and Park school because both of these schools are special service schools with school special populations and no student at Rice or Park Schools leaves the building without adult supervision. Small children go to Park School by bus with adult supervision to and from school. We have 10 elementary schools, 2 magnet schools, 3 middle schools, and the suggestion is that we include all of those schools in the ordinance. The committee can approve this with the exception of Park Elementary School and Rice Children's Center and see if legal approves this.

Alderman Jean-Baptiste asked the committee if they want to escalate the penalty which everyone agreed to. Alderman Tisdahl recommended the 2nd offense should be a \$1,000 penalty. Alderman Bernstein's concern was the ambiguity of

being subject to having his/her license revoked or not renewed by the Public Health Director. He's fine with \$500 for the 1st offense and \$1,000 for the 2nd offense, but if they do it two times the third time they should be out and we have to determine some standard under which we're going to revoke their license. Mr. Terry said there is existing language in the tobacco license ordinance that they're entitled to due process and a hearing which is something we need to continue to address administratively because what tends to happen is the clerk behind the counter is the one that is arrested for violating the ordinance and proving organizational culpability is then a responsibility of his department, we need convictions. First there is an administrative hearing within our department and with the appropriate record we'll make a revocation. Alderman Bernstein said for the purpose of the ordinance we should include, that the clerk is an agent of the principal and should allow that kind of a defense. Alderman Jean-Baptiste asked if that is the only clarification being suggested in addition to any other penalty or license fee and convicted of violating any provision of this section may be subject to having his/her license revoked, suspended or not renewed by the Public Health Director. We are then making the statement regarding a clerk or salesperson is considered an agent of the business.

Alderman Jean-Baptiste noted, for adoption we have amended the location restrictions to read, "It shall be unlawful for any person to sell, offer, or give away tobacco products within 150 feet as measured from lot line to lot line of any high school, middle school, or elementary school except Park School and Rice Children's Center." Under the section dealing with penalty, "Any person violating the Section 3-16-5 shall be fined not less than \$500 for the first offense, \$1000 for the second offense, in addition to any other penalty licensee convicted of violating any provision of this section may be subject to having his/her license revoked, suspended or not renewed by the Public health Director. A clerk or sales person for purposes of this ordinance is considered an agent of the licensee." The Legal Department will come back and change this language.

Alderman Jean-Baptiste called for a vote of the committee on the amendments/changes to the ordinance. The committee unanimously voted to accept the amendments/changes (5-0)

VII. CONSIDERATION OF ORDINANCE 65-O-06 REGULATING THE PRACTICE OF BEEKEEPING IN EVANSTON

Mr. Terry said following the last City Council meeting discussion the direction was to pursue a regulatory ordinance instead of a prohibition ordinance. Since this process started people have submitted draft ordinances from other communities all of which have some central themes. He used the Aurora, Colorado format with some tweaking. Basically your decisions within this ordinance are number of hives allowed on a property, the lot line distance and local ordinances are all across the board in terms of lot line distance. The other language can be pretty standard in terms of maintaining the site. Mr. Termolin made a comment; Mr. Terry wished he included in the draft, about signage and the lock on a gate, also the flyway fencing that seems to be pretty standard in most regulatory language. Where reasonable people would differ is the distance requirement. Given that we have 2 locations within the City, one of the locations has been in existence for a long time apparently with little neighbor issue. In local ordinances with distance requirements he has seen as little as 5 feet or as large as 200 feet. People may differ but the staff proposal is 15 feet in terms of a set back. Mr. Termolin feels 10 feet is appropriate, the committee directed Mr. Terry to get back to him to seek his advice. Mr. Terry has also been in contact with Ms. Miller who is currently out of town.

Alderman Jean-Baptiste noted the existing proposal regulation is 15 feet. Alderman Bernstein said the real problem is the proximity of the smallness of some of the lots and 15 feet might preclude somebody from having a hive. He would say that at least 15 feet but there is a variation that with the written consent of the adjacent neighbor it could be less than 15 feet. If the neighbor has no problem with that as that is who we are trying to protect.

Alderman Jean-Baptiste inquired as to the distance of Ms. Dickman's hive from the neighbor and was told it is 3 or 4 feet as it is near the fence. Alderman Bernstein said if some people want to raise bees they should do it in lieu of use of their back yard but to the extent that people are not impacted in a negative way by the presence of bees they should be able to get the permission of the adjacent neighbor or the new neighbor if it changes.

Based on her experience Alderman Tisdahl said she had a problem when there were 16 hives on a community garden plot. That was too many hives and the neighbors back yards were swamped with bees. Allowing 2 hives in each home you could have something similar to the 16 hives in a very small amount of space. She would like to limit the total number of hives you could have on a given block in Evanston as there are 60,000 bees in one hive. In the ordinance 9-4-19: BEEKEEPING, under (I) Colony Densities. 1. a. One-quarter acre or less tract size – Two colonies; to her that says every home in Evanston could have 2 hives. This probably wouldn't happen but if did you could end up with something like the 16 hives on the community garden plot. Alderman Holmes said even if you lived on an acre of land with these measurements to your neighbors she could not see how you could have so many hives on one block. Alderman Tisdahl said she would just like to protect having too many hives in a small area.

Mayor Morton did not think there should be hives on garden plots and that should be specified as the garden plots are too close together and just for gardening. Alderman Bernstein added they are also public space and people might attempt to get at the bees as there is nobody guarding the hives. He thought there could be some kind of limitation by space such as first come first served to which Alderman Tisdahl added and limit the number of permits in any time for bees. Mr. Terry said one of the difficulties here is there are land use questions versus health questions. This is not a permitting ordinance; this would be a sub set of our general chapter regarding nuisances. This is complaint generated where City staff would go out in the event of a complaint like the rest of our nuisance ordinances. Mr. Terry said beehives are registered with the state to which Alderman Holmes asked if there is some type of registration that could be reported to the City to which Mr. Terry said perhaps a notice requirement.

Alderman Jean-Baptiste suggested limiting the number of colonies, in the ordinance under (I) Colony Densities: under a. One colony; b. Two colonies; c. Three colonies; and d. Four colonies. Alderman Bernstein asked Ms. Dickman how many hives she has as there are two boxes in her yard, to which Ms. Dickman responded she has one hive the other box is for when the colony increases. Alderman Bernstein noted Ms. Miller has 2 boxes that is 2 hives with 3 drawers in each hives but she has a larger lot than Ms. Dickman and her hives are surrounded by a small picket fence. Ms. Dickman remarked that for 9 years Ms. Miller and Mr. Termolin had a total of 4 hives in that one area. Alderman Bernstein noted Mr. Termolin was 100 feet away on a different street than Ms. Miller.

John Black, of 1503 Madison, lives several houses down from the hive and is here representing 73 neighbors that continue to vehemently object to this beehive in our neighborhood of tiny dense residential lots. We presented our petition for a moratorium and prohibition in our neighborhood at the June meeting. This hive constitutes a nuisance, a public health and safety risk, and diminution to property values. He read the ordinance and quite frankly 15 foot set backs are not enough that is too small a distance. There is language in Section D and Section I regarding the colony density and those numbers seem too high as well. The notion of a colony is not well defined in this ordinance. This hive has been a nuisance for his household and a number of his neighbors for over a month. He has a good bit of clover in his backyard, honeybees like clover, today about 4 hours ago he was in his yard and counted 12 honeybees flying at ground level in his clover pretty well spread out and there probably were more than that in his flower beds as well. This is a routine occurrence; he's out there regularly inspecting and advised his wife, his mother who is allergic to bee stings, his 3 ½ year old child and guests to be on the lookout for bees. If he were barefoot today he would have been stepping on the bees and would have been stung. His mother is allergic to bee stings and is a frequent visitor to home. She uses his yard with his 3 ½ year old son who he does not know if he's allergic. He knows others in the neighborhood are allergic, Ms. Dickman's neighbor is allergic but she doesn't seem to be opposed to this. On the Evanstonnow.com website, John Hanson, who is a former president of the Illinois Beekeepers Association and has spoken before the committee a number of times, said when you have a hive of bees, the bees that leave the hive can fly up to 3 miles. He said nobody will notice these bees because they will spread out in a 3 mile radius equally which amounts to one honeybee an acre. Some research Mr. Black did on USDA documentation on beekeeping in the United States contradicts that and says bees can fly 3 miles but they don't unless there's no food. They will fly up to several hundred yards to forage which means they will be in everybody's back yards. Another area of concern to him and the 73 people who signed the petition relates to the diminution of property values. If he's selling his house the presence of this hive a few doors down will reduce his property value. Experts concur that these bees can be expected to roam neighborhood yards. As the beekeepers told the committee, the public has a fear and apprehension toward bees, whether that's founded or not is a point of debate, but a prospective buyer of his house will likely select the bee free alternative. That is unacceptable as he wants his house to increase in value not decrease and does not want to be making disclosures about insects on or in his house because his neighbor chooses to pursue this as a hobby. At the June meeting Alderman Bernstein seemed to raise concern about the City's liability as it related to beekeeping on City land. It seemed to him on the one hand the City is worried about potential law suits stemming from some bee related injury or claim but on the other hand it seems like the City is ready to pass that risk and other burdens to the property owner. If this activity is safe for residential owners with 15 feet or less set backs why isn't it safe for the City. We don't feel this regulation is strict enough in terms of the set backs. Palatine's set backs are 25 feet, and we're using an ordinance from Aurora Colorado that's a lot different than this area. It would seem that you would look for a similar City as opposed to one farther away and geographically different than this area. He's not an expert on zoning compliance but was told by someone that has been looking at that as it's described in the ordinance he's not sure it complies with the zoning regulations in the City. It calls for a fence 10 feet high in all directions. If you put up a tool shed there are compliance issues for that. Finally, the colony density is too high, a quarter acre gets two colonies but a USDA document was using honeybees to pollinate crops and suggested placing colonies at 500 foot intervals for efficient pollination. One of the claims beekeepers made about the ecological benefit of the pollination of flowers, if that's a benefit of this he thinks you'd want to conduct the activity in a manner which provides efficient pollination. Thank you.

Susan Dickman, this question of why it is not safe with the City has to do with the fact this is a new thing the City hasn't considered. Most cities haven't considered it, not a lot of people in cities are doing it and there are questions about that with everything. The second thing is she has clover all over her yard and the yards everywhere she walks; she walks a lot in Evanston. She only sees bees near her hive. After the June meeting when 2 neighbors on her block said that there

were a lot of honeybees in their yards she went and took some good looks, on a sunny day when the bees are out. In a yard where there were raspberries, tomato plants, egg plants, peppers, grapes, she stood there for 15-20 minutes and did not find a single honeybee. She saw plenty of bumble bees and sweat bees and hover flies which look like bees but did not find a single honeybee. She asked a guy who lived next door to the neighbor across the alley from her if she could look in his yard and asked if there are a lot of honeybees around here to which he said no, are there bees around here. During the year she teaches a class for kids at Northwestern on Saturday mornings and during the summer teaches for 3 and 6 weeks. At least every other week she walks from her neighborhood to either the Farmer's Market or to Northwestern and looks at everything, now she's a beekeeper because her son got into this. On July 4th, somewhere near the lake, she saw 3 honeybees in one field of clover. She's asked neighbors all over the neighborhood if bees are bothering them. If you put water out for them they won't go into people's pools or birdbaths. She stops at the Saturday yard sales and asks if anybody has seen bees. Its nice that 73 people signed a survey but several people told her that they way the survey was delivered was somebody going to the door and asking if you're pro bee or anti bee and when they said pro bee or I don't know they said are you going to be pro bee when they invade your house. She does not think that's very neighborly to enflame people that way. At the last meeting Alderman Holmes had a good suggestion about disseminating information to the neighbors and she put a mailbox on her back gate which is stuck closed. She and Gabrielle put together information sheets and does not know anybody who has taken any information. All the neighbors who are interested come by with their kids and she gives them information. On the front gate she put up a sign that says "Caution Bees at Work". The issue of property values she does not take as gospel that somebody says property values are going to be lower if this or that happens. This is what they said about Jews, blacks moving into neighborhoods. Bees are natural to the eco system and thinks that's a ridiculous argument and does not think everybody would agree on what lowers property values. We haven't seen a lot of bees, nobody's complained to us about them and she asked a ton of people. That's all she has to say.

Alderman Moran had several observations. When Mr. Termolin was here he told us he kept bees for a while and then moved them to the Hawthorne Woods because a neighbor of his had a high degree of potential allergic reaction to bees and as a response thought it would better to move them. People have said several times tonight with respect to Wendy Miller there are no neighborhood issues, but he has two neighborhood issues. One, although everybody here says honeybees never bother anybody or sting anybody and Ms. Miller came to the last meeting and said nobody in her neighborhood had been stung by a bee or at least that she knew. That contradicted what she said at the previous meeting which was she had been stung several times herself. The other issue was Ms. Miller told us there were two neighbors who had this high potential allergic reaction to bee stings and according to Ms. Miller those two people said its okay for her to have a hive. He does not know under what circumstances these people said that but as a public official he has a problem with that because there might be one other person there who has potential severe allergic reaction to bee stings that hasn't said its okay and they're at risk. We've heard from the people in this neighborhood that they have relatives and friends who have the potential allergic reactions to these bees. From a public health standpoint for him that's a "neighborhood issue", and thinks it's also a Citywide issue. If you put 40,000 to 80,000 bees in this one area you're putting people at risk of being stung and you're putting them at risk of becoming seriously ill or dying. From his perspective even if 2 people say its okay that's still a public health issue. Other than all the bee people who obviously are heavily suffused with the notion that keeping bees is an important aspect of their lives, there have been 3 people directly involved in beekeeping that have come to us. Gabrielle and his mom and Wendy Miller. It's remarkable to him that we received this petition signed by 73 people in this neighborhood who say they don't want to have to undergo this risk. He's not going to suggest that if she went to every neighborhood that you'd have the same ratio of people who are for and those that are against. He will suggest that he thinks a similar concern would be expressed by a lot of people and if we're acting as a governing body he has to ask if we're following what he thinks is an important axiom are we doing the best for the greatest number of people. Are we going to try to regulate beekeeping as opposed to prohibiting it because 3 people want to do it and we know of 73 who signed a petition that don't want it in their neighborhood and potentially hundreds of thousands who don't want it. Who are we trying to satisfy here?

Ms. Dickman's statement was that she doesn't see bees anywhere and nobody she asks sees honeybees anywhere. Mr. Black counted 12 or more in his yard, so there are bees. Alderman Tisdahl pointed out that in the 7th Ward when there were 16 active hives a house in close proximity had bees all over their yard, the bees go someplace because we have been told that is what they do go someplace to pollinate. In terms of public space, when the City made the decision to tell the people they had to remove those hives Mr. Gaynor was asked to comment on that. He sent a memo indicating the City had a concern that could be a liability on the part of the City having these bee hives on public property which he concurs could be a concern. On the proposed regulation a question he raised before and in hearing this conversation asks himself even more, what are we regulating here. We're talking about set backs of 15 to 25 feet, these bees a radius of 3 miles. Who is kidding who about 15 or 25 feet, it's illogical. This regulatory ordinance does not make any sense, 15 feet, 25 feet, 50 feet, 150 feet, 5 acres, 10 acres, 15 acres, its 3 miles. He guesses they have some kind of barriers in the yard of the hive but they're in Mr. Black's yard and in other people's yards, they go all over. Counting densities, 40,000 to 80,000 bees in one of these hives, and then there's the paragraph about queens, nobody has talked about the nasty queen who can cause problems and get aggressive and attack. He would ask whether this activity in an urban

setting is the proper subject of regulation and depending on your answer whether you think anything on this ordinance is pertinent to running a beekeeping operation.

Alderman Jean-Baptiste announced the committee has to attend a 7:30 Budget Policy meeting and the task before them was to work on the ordinance to regulate beekeeping in Evanston. We still have paragraphs, sub paragraphs and sections to go over in the ordinance and Alderman Moran has asked those that had voted to not prohibit reconsidering their position to reopen that central question. We have to push this back to the next Human Services Committee meeting on August 7th. Until then beekeeping is not prohibited in Evanston and we have no regulations. It is not governed by the County Regulation. No one on the planet governs beekeeping. This is to be continued.

VIII. ADJOURNMENT

The meeting was unanimously adjourned at 7:40 p.m.

Respectfully submitted,

Audrey Trotsky, Department of Health and Human Services