

**CITY COUNCIL**

June 26, 2006

**ROLL CALL - PRESENT:**

	Alderman Jean-Baptiste	Alderman Tisdahl
	Alderman Bernstein	Alderman Rainey
	Alderman Holmes	Alderman Hansen
A Quorum was present.	Alderman Moran	Alderman Wollin

**NOT PRESENT AT  
ROLL CALL:**

Alderman Wynne

**PRESIDING:**

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton on Monday, June 26, 2006, at 9:07 p.m. in the Council Chamber.

**ANNOUNCEMENTS:**

Public Works Director David Jennings introduced Don Cornelius, Equipment Operator, Streets & Sanitation Division, who won first prize in the American Public Works Competition for front-end loader operators. Don Cornelius competed against 46 other operators in written and skills tests. Jimmy Kraatz, Equipment Operator, another City employee placed 14<sup>th</sup>. Both have competed for the past several years.

Don Cornelius thanked all employees that have helped him to learn how to safely operate heavy equipment efficiently.

Mr. Jennings announced that Evanston will partner with the Solid Waste Agency of Northern Cook County (SWANCC) to hold a document destruction event Saturday, July 15, from 9:00-11:00 a.m., at the Civic Center, 2100 Ridge Ave. parking lot. People will be available to help unload materials. Documents will be shredded and recycled. SWANCC area residents can destroy bank statements, medical forms, personal files, retired tax forms, receipts, among other documents. Proof of residency is required.

He announced that work on the Church Street Viaduct replacement would begin Monday, July 24. It will take one construction season to build the viaduct, which will be built on the west side of Benson north of Church parallel to the tracks on a wheel device. After it is built, the current viaduct will be torn down and the new one rolled into place. Church Street will remain open to traffic until the steel bridge is ready for installation in October 2006.

Mr. Jennings announced that the Grand Opening Ceremony of the Sherman Plaza Self Park will be Wednesday, July 5, at 9 a.m. on the roof of the garage at 821 Davis Street.

He reported that due to the 4<sup>th</sup> of July holiday, refuse, yard waste and recycling collection would be one day later than the regular schedule.

Evanston 4<sup>th</sup> of July Association Trustee Max Rubin announced the 84<sup>th</sup> annual Stars and Stripes for Evanston. 4<sup>th</sup> of July festivities would begin with playground games at various locations in the morning, the parade at 2:00 p.m. along Central Street from Central Park to Ryan Field (Chairs or items cannot be put out before July 1). The Palatine Concert Band will perform from 7:30 to 9:00 p.m., at the lakefront (at Clark Street Beach) with the fireworks extravaganza following at 9:15 p.m. with choreographed music on 90.5 FM. Parking for the disabled is available at three parking garages and a special area at Dawes Park. Persons can volunteer to be parade marshals by calling 847-475-4585 or visit [www.evanston4th.org](http://www.evanston4th.org).

Mayor Morton announced that the City had received an \$11 million check from the Illinois EPA to be used for Evanston's long-term sewer project. This is a 20-year loan at a 2% interest rate. Illinois EPA Director Douglas P. Scott stated that no other community has received this kind of money and expressed great confidence in the City's staff.

**Evanston Township Public Hearing**

Trustee Rainey nominated Mayor Morton to preside. Seconded by Trustee Jean-Baptiste. Approved unanimously.

Mayor Morton asked if anybody wished to speak on the budget. There were no comments.

At 9:20 p.m. Mayor Morton declared the hearing closed.

**CITIZEN COMMENT:**

Junad Rizki, 2767 Ridge Ave., spoke about accountability of Council members, city manager and public works director about placement of traffic signals in handicapped curb cuts. Placing traffic signals in the middle of curb cuts is a violation of Illinois law. It appeared to him that nobody in the City wants to take responsibility for this. An excuse he has heard is that these are state funded projects and the City is running them. An example is the pole that ended up on the northeast corner across from Dunkin' Donuts on Green Bay Road. A more recent example is at Church/Dodge, where it appears correctable at a cost to the City. He has observed that the poles are poorly placed and there are other issues in addition to curb cuts. State law is clear that engineers who do this work are responsible for errors and omissions. To him, public officials and employees are responsible to protect the public interest and can be held accountable. Denying people in wheelchairs access to public sidewalks shows him that Council members may not be concerned about some of the most vulnerable residents. This Council needs to take the necessary steps to protect citizens. Council members may be responsible for some of the legal ramifications if things are not corrected.

Dolan McMillan, 1519 Madison St., stated much of his family's outdoor time is spent in their back yard. Spending time there and in the parks, he has noticed bees everywhere. He is not bee phobic but his concern lies with beekeeping and the lack of control and regulation. He asked Council to consider the feasibility of beekeeping here; was concerned about the safety of his family, pets and visitors, who may be allergic to bee stings or bee phobic. He was concerned about the invasion of privacy through the limited free use of his property and the increased risk and responsibility he must assume; concerned about the lack of requirements such as a minimum setback distance for hives, a maximum height allowance and inspection of apiaries in Evanston; concerned about people in streets and alleys who may not have benefited from bee education, which he heard proposed as a solution. He thinks about how he and the City came to this topic, overshadowed by the fact that at the last Human Services Committee meeting they learned that an apiary was established. When they can, they should not let an incident dictate design. He understood that the City did away with public apiaries due to complaints and that it does not provide space for beekeeping on public property due to liability concerns. He understood these points but did not understand why he was forced to assume this liability. Presently they are relying upon citizens to do the right thing with uncontained potentially harmful property that knows no boundaries. He felt the imposition this places on others who do not share the interest is unacceptable. Those who do not share the interest in beekeeping may be forced to give up the freedom of their property and peace of mind. For the record, he does not hate bees. Keeping thousands of bees in close proximity introduces a risk that he did not accept, even if only stung defensively. He asked Council for an ordinance banning beekeeping in the City or, at minimum, to restrict this activity through a regulatory ordinance with a setback for foot traffic, human occupied buildings, water sources and maximum number of hives.

Susan Dickman, 1517 Madison St., said the hive has been in her yard for about four weeks. She has looked around Evanston for honeybees and has not seen any, except in her yard. To the uninitiated, when a hive is started, it seems like a large number of bees, but with the acreage here people don't see bees. Her daughters attend camp at Orrington School and when she picks them up there is a lot of large white clover there and did not see honeybees. She has had many hours of conversations with neighbors, friends and her rabbi about the beekeeping issue. She noted the issue is multifaceted and complex; appreciated the seriousness with which it has been taken. She apologized if she had offended anybody.

Thomas Schroeder, 939 Wesley Ave., lives about three blocks north of the hive. He asked how much those sitting there knew about honeybees. If their father or grandfather had bees as they grew up they would have a good understanding of them. He wrote a story that he sent to each Council member that would be in the upcoming *Roundtable*. The history of bees is fantastic. When people speak of Evanston becoming a green city, bees *are* a part of a green city. He never knew Gabriel or Susan Dickman until he heard about the bees. He is involved now and has to do something. He knew there were level heads on the Council. He described what happens when bees swarm and that he had bees in his back yard, but now are gone due to the use of chemicals.

Walt Carrington, 1215 Dobson St., 30-year resident knows something about bees. When in grade school and high school he had two hives in Fulton, NY, in an urban area on a normal city-sized lot. For that entire time there was no trouble with neighbors and he doubted that some knew he had honeybees. They were not fenced and did their own thing. City employees came and went and nothing happened. That is not to say that something could not happen if someone kicked a hive, as bees will let you know they are disturbed. He urged people to find out about this subject – go to the Chicago Botanic Garden on Lake-Cook Road and visit the fruit tree area. There is a glass hive and people can see the insects crawling around. The bees come and go from a square box and into the hive. Hundreds and thousands of people visit there. He urged people to make their own judgment.

Phyllis Restka, 1520 Washington St., objected to the honeybee hives because they live within 20 feet of the hive. It is a nuisance and uncomfortable for them. Seventy-three neighbors within a two block area have signed a petition to not keep this hive at its location. Her main objection is the area is small and confined and an inappropriate location. She was not saying to not have bees in Evanston. She was raised on a farm in Door County where there are numerous orchards and honeybees, which are okay if left alone. In this tight space, she thought it neither fair to the bees nor to people who have to live close to them. She said many people in the neighborhood have heart conditions, so an Epi pen is not an option for them. Those bees have been all over her yard. She reminded everybody that when the Ecology Center had a hive, Ms. Lutz told them it had to be removed. There was a neighbor where the bees congregated, so they had to be removed. She asked Council to use common sense and really think it through. If they have bees here they need to be regulated.

Mimi Peterson, 748 Wesley Ave., stated that in Cook County, beekeeping is considered an agricultural use and requires five acres. Beekeeping is not allowed in residential areas. She has seen many honeybees in her yard, which has a lot of clover. This is a burden and an inconvenience for her family. She was concerned that the bees were brought in unfairly to neighbors. Ms. Dickman claimed no ordinance bans them, so no law was violated. There was an understanding at the Human Services Committee and, with neighbors, that there would be a resolution before bringing in bees. She thought it not a neighborly thing to do given the issue was so contentious. The Illinois Department of Agriculture regulates bees and she wondered if those regulations are being followed. There is a permitting process, application and identifying number that have to be on the apiary. She was concerned about the position of the hive, which sits on the ground with bricks on top and is close to the alley. Today it looked as though it had grown. In addition, the top was not on properly. She also noted the gate was open so anybody could come in and kick the hive. She suggested it was unfair to ask people to be prepared and educated regarding bees. This could be considered a farm animal, a nuisance and should be treated as such.

Mary Wilkerson, 1712 Dobson Ave., requested that the City bring back the City-sponsored community theater to the Family Focus building at 2010 Dewey Avenue. It was at that location for more than 20 years until 2003, when it was removed. The theater was well attended and got community support. She misses the theater at the Family Focus building, the variety of productions and easy access. Because the theater was centrally located, many theatergoers could walk there. She could count on the wholesomeness and regularity of the productions. It was affordable, because the theater provided group rates so they could enjoy it with friends and neighbors. During those three years the community has been robbed of affordable, consistent and diverse theater. She urged the City to consider bringing it back to the Family Focus Theater.

Radica Sutz, 1810 Darrow Ave., supported Ms. Wilkerson's comments and has made a tremendous effort to bring the theater back to Family Focus. They have produced a play that received phenomenal reviews. It was a difficult job for her to do it considering the money needed for the production. Everybody was a volunteer. Money is needed for lighting, sound and promotional material. Many people have come to see the production. Since they have done a critically acclaimed production, they asked for support to continue this work at the Family Focus building. It brings people together. One actor, Darren M. Jones (from the neighborhood), has received outstanding reviews. After this production he will work for Chicago Dramatists. The play was *Master Harold and the Boys* and ran for six weeks. The production was at Family Focus and paid for itself.

**CONSENT AGENDA (Any item marked with an Asterisk\*)**

Alderman Moran moved Council approval of the Consent Agenda with these exceptions: proposal from JJR, LLC for architectural/design services for Sub Area 3 - West Evanston TIF; Ordinance 75-O-06 – Regulates Idling Motor

Vehicles; HOME Funds for Independent Futures; Planned Development/Map Amendment – 2408 Orrington and Ordinance 51-O-06 –Township Annual Budget – 2006-07. Seconded by Alderman Rainey. Roll call. Voting aye–Wynne, Bernstein, Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste. Voting nay –none. Motion carried (9-0).

### **ITEMS APPROVED ON CONSENT AGENDA**

#### **MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of June 12, 2006. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

#### **ADMINISTRATION & PUBLIC WORKS:**

\*Approval, as recommended, of City of Evanston payroll for the period through June 15, 2006 and City of Evanston bills for the period ending June 27, 2006, authorized and charged to the proper accounts:

City of Evanston payroll (through 06/15/06)	\$2,205,156.21
City of Evanston bills (through 06/27/06)	\$3,716,518.00

\* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the lowest responsive and responsible bid from McCauley Mechanical (8787 S 78<sup>th</sup> Ave, Bridgeview) in an amount not to exceed \$14,975, for maintenance of the heating and cooling systems at the Robert Crown Community Center and Ice Rink. Funding provided by the Robert Crown Ice Rink budget. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the lowest responsive and responsible bid from Hecker & Company Inc. (250 Industrial Lane, Wheeling) in an amount not to exceed \$327,888.50 for the Traffic Signal Upgrade project at Central/Ashland Ave. and Central/Asbury Ave. Funding provided by MFT and CIP funds. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the lowest responsive and responsible bid from Texor Petroleum Company (3340 S Harlem, Riverside, IL) for a period of six months beginning July 1, 2006, on an as-needed basis for an amount not to exceed \$325,000 for gas and diesel fuel. Funding provided by Fleet Services account. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of proposal from Farr Associates in the amount of \$147,580, including reimbursable costs, for architectural and design services for Sub Areas 1 and 2 in the West Evanston TIF area. Included in this cost is \$18,000 for a market feasibility study for Sub Areas 1-4 conducted by Valerie S. Kretchmer & Associates, sub-contractor to Farr Associates. Funding provided by the Economic Development Fund to be reimbursed by the West Evanston TIF when increment is available. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of proposal from Skidmore Owings & Merrill in the amount of \$25,000 for Civic Center programming services. Funding provided by the Civic Center Projects Account. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #10, increasing the W.E. O'Neil (WEO) Sherman Plaza Garage construction contract by \$124,736 from \$40,666,405 to \$40,791,141 for the attached list of line items #009 through #060. Funding provided by the Washington National TIF. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Resolution 31-R-06 –Tiered Approach to Corrective Action-Objective Agreement with Shell Oil – Consideration of proposed Resolution 31-R-06, which authorizes the City Manager to enter a Tiered Approach Corrective Action-Objective Agreement with Shell Oil Company (1201 Chicago Ave.).

\* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

- \* Resolution 47-R-06 – Pilot Art Program at the Farmers’ Market – Consideration of Resolution 47-R-06, which authorizes the “Homegrown Artists” Pilot Program at the Evanston Farmers’ Market.  
\* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)
  
- \* Ordinance 46-O-06 – Decrease in the Number of Class D Liquor Licenses – Consideration of proposed Ordinance 46-O-06, introduced June 12, 2006, which amends 3-5-6(D) of the City Code to decrease the number of Class D liquor licenses from 24 to 23 due to a technical correction.  
\* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)
  
- \* Ordinance 58-O-06 – Amend Liquor Regulations to Add Class Y Liquor License – Consideration of proposed Ordinance 58-O-06, introduced June 12, 2006, which adds a new section 3-5-6(Y) to the City Code pertaining to Alcoholic Liquor Regulations to create a Class Y liquor license class that authorizes the retail sale of wine only in a specialty wine shop. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)
  
- \* Ordinance 66-O-06 – Revise Water Rate Structures – Consideration of proposed Ordinance 66-O-06, introduced June 12, 2006, which revises the water rate structure, allocating the costs to the various users based on the user’s demand on the water system and the volume of water used. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)
  
- \* Ordinance 70-O-06 – Amend Title 10 of City Code – Add Four-Way Stop At Pioneer Rd./Grant St. – Consideration of proposed Ordinance 70-O-06, introduced June 12, 2006, amends Section 10-11-5, Schedule V(D) of the City Code to establish a four-way stop at Pioneer Rd. and Grant St.  
\* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)
  
- \* 71-O-06 – Three-Way Stop at Pioneer Road and Colfax Street – Consideration of proposed ordinance 71-O-06, introduced June 12, 2006, by which the City Council would amend Section 10-11-5 Schedule V (C) of the City Code to establish a three-way stop at Pioneer Road and Colfax Street.  
\* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)
  
- \* Ordinance 73-O-06 – Providing for the Issuance of General Obligation Bonds – Consideration of proposed Ordinance 73-O-06, introduced June 12, 2006, which provides for the issuance of the CIP bond issue, Series 2006, consisting of \$10.5 million in General Obligation (GO) bonds.  
\* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)
  
- \* Ordinance 74-O-06 – Increase in the Number of Class C Liquor Licenses – Consideration of proposed Ordinance 74-O-06, introduced June 12, 2006, which amends 3-5-6(C) of the City Code to increase the number of Class C liquor licenses from 22 to 23 due to the addition of Addis Abeba, Inc. doing business as Addis Abeba, 1322 Chicago Ave., Evanston. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)
  
- \* Resolution 48-R-06 – Abates Property Taxes related to Series 1994 Taxable Bonds in the amount of \$1,850,000 – Consideration of Resolution 48-R-06, which abates property taxes related to the Series 1994 taxable bond issue. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

#### **PLANNING & DEVELOPMENT:**

- \* Ordinance 78-O-06 – Special Use for a Type 2 Restaurant – Sherman Plaza – Consideration of the Zoning Board of Appeals recommendation to approve a Special Use for a Type 2 restaurant, Cereality, at 1622 Sherman Ave., in Sherman Plaza. \* MARKED INTRODUCED – CONSENT AGENDA
  
- \* Ordinance 80-O-06 – Planned Development – 1881 Oak Ave. – Consideration of the Planned Development at 1881 Oak Ave., a proposed 19-story, 165 residential unit building with a 247-space parking garage. \* MARKED INTRODUCED– CONSENT AGENDA and referred back to committee.

\* Ordinance 72-O-06 – Special Use for Type 2 Restaurant at 1633-55 Orrington Ave. – Consideration of a ZBA recommendation, introduced June 12, 2006, to grant a special use for a Type 2 restaurant at 1633-55 Orrington Ave., db as Pomegranate Restaurant. ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 69-O-06 – Special Use for a Religious Institution at 2004-2010 Emerson St. – Consideration of a ZBA recommendation, introduced June 12, 2006, to approve a new religious institution for New Hope CME Church at 2004-2010 Emerson St. ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

### HUMAN SERVICES COMMITTEE

\* Ordinance 65-O-06 – Prohibition of Beekeeping – Consideration of Ordinance 65-O-06, which would prohibit beekeeping in Evanston. DISCUSSION ONLY

\* Ordinance 68-O-06 – Amends Tobacco License Distance Requirements – Consideration of Ordinance 68-O-06, which amends Section 3-16-5 of the City Code to prohibit tobacco sales within 250 feet of a school, childcare facility or other building used for educational/recreational purposes. \* MARKED INTRODUCED – CONSENT AGENDA

### APPOINTMENTS

Mayor Morton asked that the following re-appointment be introduced:

David Angelus 1930 Ridge Ave.	9-1-1 Emergency Telephone System Board
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Mayor Morton asked that the following appointment be confirmed:

Allan Drebin 2018 Orrington Ave. For term ending June 30, 2009	Arts Council
Barbara Hayden 1212 Monroe St. For term ending June 30, 2009	Arts Council
Greg Salustro 1120 Austin St. For term ending June 30, 2009	Arts Council
Joe Sislow 127 Clyde Ave. For term ending June 30, 2009	Arts Council
Victoria Pearlman 2428 Grant St. For term ending June 30, 2009	Commission on Aging
Frederick W. Rakowsky 49 Knox Circle For term ending June 30, 2009	Commission on Aging
Shayna R. Wade	M/W/EBE Advisory Development Committee



accessible condominium unit at the newly constructed Sienna Development.

Alderman Wynne stated the forgivable time period was changed from 5 to 15 years at the committee and moved approval of this item as amended. Seconded by Alderman Rainey.

Roll call. Voting aye – Wynne, Bernstein, Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste. Voting nay – none. Motion carried (9-0).

Planned Development and Map Amendment – 2408 Orrington Ave. (Kendall College Property) –  
Consideration of the Plan Commission's recommendation to deny the planned development and map amendment for a proposed development consisting of 16 single-family detached homes and 8 duplex units at 2408 Orrington Ave.

Alderman Wynne reported this item was held in committee and that a special Planning & Development Committee meeting would be scheduled for the Kendall College property. The date would be publicized by the end of this week. Staff asked aldermen to hold onto their materials for Kendall College and 1881 Oak so they don't have to be duplicated.

### **HUMAN SERVICES COMMITTEES**

Alderman Jean-Baptiste noted at the last Human Services meeting the assumption was that it would not go forward until they decided to regulate beekeeping if they decide to allow it. He understood that a staff member had called Ms. Dickman and advised her that things were to be kept status quo. Ms. Dickman acknowledged that but went ahead and brought about 40,000 honeybees to her backyard. At the next meeting, they continued the discussion as to whether to prohibit (beekeeping) and that proposal was defeated. It was the committee's sense that they come before Council and consider regulation. He did not know whether they had any proposed regulations because they talked about common issues about beekeeping. He also thought Council would have the chance to consider whether or not to support a ban on beekeeping.

Ms. Carroll stated the reason this was put on for discussion was because the ordinance was defeated at the Human Services Committee and a regulatory ordinance was not provided. Human Services Director Jay Terry confirmed the prohibition ordinance lost 3-2 in the committee. The status of an ordinance that loses in committee is by what mechanism is it passed to the full Council. The feeling was that it was at the request of the committee chair. He pointed out at the June 5 Human Services Committee meeting that staff submitted two possible regulatory ordinances. Neither was discussed by the committee, so they did not feel they had direction to draft a regulatory ordinance.

Alderman Jean-Baptiste understood that at most places where there is a hive, there must be a fence high enough so the swarm is above people and a certain amount of water must be provided. There was a lot of discussion about various precautions that must be undertaken. That was in the face of a neighborhood up in arms. At the last meeting, they did say this matter should come before Council as a point of discussion for some kind of action. He suggested they discuss whether the Council supports not prohibiting beekeeping and, if that is their position, they would discuss regulations.

There was a discussion among Aldermen Moran, Wynne and Rainey and First Assistant Corporation Counsel Herb Hill about whether Evanston is governed by County regulations. Council members wanted to know Cook County Regulations.

Mr. Hill suggested that the Council could entertain discussion of suggested regulations and bring back a regulatory ordinance to the next Council meeting. The other approach would be for Council to refer this matter back to the Human Services Committee to gather information regarding regulation and make a recommendation. As of now, there are no guidelines as to the scope of regulation.

Alderman Jean-Baptiste thought Council should exercise some authority to say, until they clarify what the regulations are, they would not allow this hive to be set up and protect people from danger.

Alderman Jean-Baptiste noted because keeping bees is a hazard to neighbors and the committee thought there should be



some regulation before proceeding, he thought Council could exercise authority to make a decision on an interim basis and bring the matter to where it was prior to being on the agenda. Once they had regulation they could put the hive in.

Alderman Bernstein understood the state regulation is concerned primarily with the welfare of bees. The state inspects to see that bees are kept properly. It was appropriate to discuss regulation. He encouraged people to visit a bee hive.

Mr. Hill said the issue is, did the Council wish to give direction to draft an ordinance and to Jay Terry to gather information for the Human Services Committee so that a meaningful discussion can be had to draft an ordinance. Some parameters were suggested by Alderman Jean-Baptiste, such as height barrier, site location, size of the lot, etc.

Ms. Carroll said they were operating without all the correct information and asked staff to research Cook County regulations and, if there is an enforcement issue, they would talk to the county about that. If Council wanted further regulatory information, that could be provided. The reason this was on the agenda was on page 9 of the Human Service Committee minutes it read, "Alderman Jean-Baptiste said that 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, they will instruct legal staff to develop an appropriate ordinance."

Alderman Hansen moved that Council to refer this matter to the Human Services Committee to discuss regulations and for staff develop an ordinance. Seconded by Alderman Bernstein.

Mr. Hill noted that beekeeping is allowed in the City of Chicago. Alderman Moran thought it was significant that Chicago had legislated beekeeping. Alderman Tisdahl wanted input from neighbors included. Alderman Wollin agreed they needed to look at regulations that are reasonable and enforceable and suggested that this not be opened up to the same testimony they have heard at prior meetings but to zero in on feasible regulations. People who have been successful in beekeeping should be asked for suggestions. Alderman Tisdahl suggested that Mrs. Miller, who has a hive that bothers no one, could help to develop an appropriate ordinance. Mayor Morton proposed the motion be modified to say, "Discussion by the Committee Only."

Alderman Hansen accepted the amendment to the motion.

Alderman Jean-Baptiste asked if an individual is in violation of a County rule could the City enforce it. The Mayor said the County would enforce its regulation. Alderman Jean-Baptiste asked if they were authorizing the City to enforce the County rule. Mayor Morton clarified that the city manager said they would look into it and that did not mean enforcement. Ms. Carroll stated staff would review County regulations to determine if Ms. Dickman's hive is in violation and, if so, that would be reported to the County for enforcement.

Alderman Jean-Baptiste asked if Council has the legal authority to enact a retroactive moratorium? Mr. Hill stated the Law Department will work with Health & Human Services based upon the field work and a determination will be made if there are any violations or potential violations of state and county laws. If that is the case, the Law Department will notify the proper authorities by phone and letter as to what was observed and request that these entities exercise their enforcement mechanisms. So they will address any improper action of the beekeeper. He did not believe the Council has the authority to enact a retroactive moratorium. A moratorium is prospective. At the next meeting, the Council could adopt a moratorium on the future importation of hives at that location or any other location within the City. The behavior was not in violation of any city code. They are hamstrung regarding a specific violation. They always have the general police power regarding a nuisance. If this activity becomes a nuisance, the Law Department can file an action in Cook County to abate the nuisance. But to do that they have to have an identified danger and complaining witnesses. At this point they don't have that. Keeping of a beehive is not, per se, a nuisance. They needed to have some harm caused.

Alderman Bernstein cautioned Council not to become overzealous. His primary concern was that the beekeeper be knowledgeable.

Voice vote, motion carried to send back to the Human Services Committee.

Ordinance 51-O-06 – Proposed FY 2006-07 Annual Budget for Township – Consideration of Ordinance 51-O-06, whereby the City Council, acting as Trustees of Evanston Township, approve the annual budget ordinance of Evanston Township for the fiscal year April 1, 2006 to March 31, 2007 in the amount of \$1,291,177.

Trustee Jean-Baptiste moved approval of Ordinance 51-O-06, the Annual Township Budget. Seconded by Trustee Wynne.

Trustee Rainey had a serious problem with the assessor's budget as she has had for years and, in the scheme of things, it is not a lot of money. It is the principle. This year they would approve a budget that has the assessor's assistant receiving a 45% raise and the deputy assessor making \$54,500. She has visited the location three out of the last five workdays and never once saw the assessor's assistant there. The problem was for the 20 years she has served, trustees have been told that they have absolutely no authority to control this budget. They never had a \$50,000 plus deputy assessor and an assessor's assistant and got along fine. Trustees were told that the assessor can tell trustees what he/she feels is necessary to carry out the duties of this office. She has never seen a detailed explanation on that. She asked a staff member or city manager (who have always refused to touch this issue) to find out what are the duties of that office. What duties are carried out by the deputy assessor and assessor's assistant? She noted \$35,000 was allocated for legal fees. Did anyone from the Human Services Committee know why? Was the assessor being sued again? Was this ever discussed? Why was the assessor's assistant getting a 45% raise?

Trustee Jean-Baptiste understood that some legal issues were still being addressed. Mr. Hill stated the outstanding legal issue and underlying litigation means the Township was successful and there was an appeal. The County lost the file, which has been re-created. It was uncertain where the appeal is. There should be funds in the budget for continuation of the appeal. He thought the appeal would be minimal and the Township would be successful. Trustee Rainey asked Mr. Hill if \$35,000 was necessary for legal fees. Mr. Hill was not consulted. He thought \$35,000 was probably high but did not know what else was considered.

Mayor Morton asked what rights trustees have in this matter. Are trustees permitted by law to make changes in the budget? Mr. Hill said it was dependent on what aspect of the budget is involved. They are mandated to fund certain monies. On litigation costs there is no mandate. The trustees could set a different amount than the assessor. Mr. Hill said the trustees could make changes and fund only the township assessor's salary, which he did not recommend. The Township budget must be adopted that evening. Trustees could make changes to the assessor's budget because there is no mandate to fund that office at a certain level as it is with the General Assistance fund. The Mayor asked for suggestions. Mr. Hill deferred to the assessor Sharon Eckersall and Jay Terry.

Township Assessor Sharon Eckersall stated that not all funds for legal were used last year. She consulted counsel on what amount to budget if the matter goes to the Appellate Court and learned that \$35,000 is needed to do an appeal. Her attorney has asked that the matter be dismissed. Within the week they should hear a ruling. If that goes through, the funds will not be needed. The part-time assistant's hours were increased from 16 to 20 hours a week. He has been there three years with no raise. The amount for the deputy assessor was based upon whether or not she would be given a raise.

Trustee Rainey asked what these individuals do. The part-time assistant works four days a week, five hours a day from 9:30 to 2:30 p.m. He inputs permit and transfer deeds into the computer, answers the phone and does many certificates of error and the many freezes that go into effect. The deputy assessor handles appeals and some inputting. A high school girl is also there part time. Appointments occur about every half hour during the day. The deputy assessor works from 8:30 to 4:30 p.m. Ms. Eckersall noted that the deputy had taken time off due to a serious illness in her family, which was legitimate. The time must be given due to the Family Medical Leave Act. Ms. Eckersall had offered her more time off to help her home situation.

Trustee Rainey asked to see, in two weeks, a detailed job description of each person who works in the assessor's office; hours and days of work, salary, vacation and benefits. She will be able to argue the outrageousness of this budget for the next budget because they have to pass this one. She thought it would be helpful for the trustees to see this and the taxpayers who pay these salaries.

Trustee Jean-Baptiste said they established that all legal bills would be reviewed by Mr. Hill. The Human Services Committee looked at this budget. The increase to the assessor's assistant was due to longevity and good job performance. Trustee Jean-Baptiste wanted elaboration on changes made and reiterated the commitment to send legal bills to Mr. Hill.

Mayor Morton asked, if they passed the budget that evening, could any changes be made later, as they can do with the City budget. Ms. Eckersall thought everything had to be passed by June 30.

Ms. Carroll stated since the Township budgeted for more revenue than expenditures, she recommended looking into the ability of trustees to amend the budget. She assumed the budget could be amended after the fact or reduced by the amount they budgeted over.

Mr. Terry reminded members of the Human Services Committee that for the past two or three years the Township's auditor, Miller Cooper, has recommended that given the Township is not a home rule government, they are subject to tax caps. Consequently, five or six years ago the Township was in a deficit condition. Miller Cooper has recommended at every audit that they tax up to their statutory limit to build a cushion that has not been in place. It is up to the Human Services Committee and Council to decide whether that is appropriate. Ms. Carroll asked if the Township has a reserve and has that been met? Mr. Terry did not know. Trustee Jean-Baptiste reported that Township Supervisor Pat Vance had made a presentation to the committee and the auditors issued a finding of good health for the budget. He knew the Township had to borrow from the City based on the fact that tax revenues were coming in later.

Alderman Holmes asked where funds come from to pay the student employee? Ms. Eckersall said she is paid from the Mayor's Summer Youth Employment Program; has worked at the Township for three years. Next year, with the re-assessment, Ms. Eckersall intended to hire her back. The young woman has done a good job and is an honor student.

Trustee Rainey felt less confident about this budget and urged them to get serious on the matter. She thought they were wasting money and didn't need all these people. She found the deputy assessor's wage to be extraordinary. She noted the assessor does no assessing. Ms. Eckersall said that she investigated salaries in assessor's offices in Cook County through an association and found Evanston is on the low side on salaries for the deputy and assistant and for communities with fewer parcels than in Evanston Township.

Mr. Hill said there is a difference between the township supervisor, who administers General Assistance, and the assessor. There is complete discretion, if the trustees determine a salary is too high, it can be changed and they are not bound by recommendation of the township assessor. The township assessor's office is town fund money, not GA funds. He stated that the Board of Trustees has complete authority with respect to the township assessor's budget and is the reverse for General Assistance.

Roll call. Voting aye – Wynne, Bernstein, Holmes, Moran, Tisdahl, Hansen, Wollin, Jean-Baptiste. Voting nay – Rainey.  
Motion carried (8-1).

### **CALL OF THE WARDS:**

**3<sup>rd</sup> Ward.** No report.

**4<sup>th</sup> Ward.** Alderman Bernstein wished everyone a safe July 4<sup>th</sup>.

**5<sup>th</sup> Ward.** Alderman Holmes congratulated all of the Unity Scholarship winners who were honored at a service at the Springfield Baptist Church. Once again, the community supported student education.

**6<sup>th</sup> Ward.** No report.

**7<sup>th</sup> Ward.** No report.

**8<sup>th</sup> Ward.** Alderman Rainey suggested to Northwestern students that a great area of journalistic investigation would be the township assessor's office.

From reading the daily bulletin published by the Police Department, she found it outrageous the number of people whose cars were smashed with bricks, people were shot, people had things stolen from their cars and houses broken into. She said if they ever had a discussion about crime in their community as intense as the one on bees, they could get a handle on it. Council must do something about this; did not know whether they needed to hire more police, but suggested that more eyes are needed on the streets. They needed a plan to stop this violence against people and property here. It was depressing to read how taxpayers are victimized. She did not know why this community has not risen up and say they aren't going to take it anymore.

**9<sup>th</sup> Ward.** Alderman Hansen said two weeks ago she said that Sergeant Mayer was promoted, which was in error. She noted 10 of the 13 burglaries to vehicles happened in the 9<sup>th</sup> Ward. There has been a rash of car burglaries, which is a felony offense. She said the majority are in certain areas and a tactical unit is needed. She heard about problem areas and that people are leaving Evanston due to street crime. In District 2 of Cook County, other than Des Plaines, Evanston is a high-crime area and they need to do something about it. This past winter, she was sitting in her living room, heard a big crash and realized it was her next-door neighbor's house. The porch lights were on. Someone saw her neighbor's purse in the front window, smashed the window and grabbed the purse at 8:00 p.m. Everybody was home. She suggested that more police officers be hired.

**1<sup>st</sup> Ward.** No report.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste joined in the call to do something about crime in the community and urged a comprehensive response. He recalled when Alderman Drummer put on pressure for more police presence in the Canal Park area and the community was pro-active. Last week residents met with King Lab Neighbors from the Church to Dempster and McDaniel to Hartrey areas. People were not going to take it anymore. They decided to have a positive presence by a walk this coming weekend. People are calling for reaching out to the parents of these youth. He made a reference that they look into the curfew policy, which is for youth up to 16 years of age. Youth may stay out until 11:00 p.m. weekdays and until 12:00 midnight on weekends. People felt that was too late. He suggested they look at the new proposal Chicago has made whereby parents can be fined if their kids violate laws such as curfew. He thought they needed to bring back the peaceful community he grew up in. He asked the city manager to look into using the Family Focus Theater, which had moved because it was not accessible.

Ms. Carroll reported that Doug Gaynor had met with the Family Focus people and was negotiating a lease for the theater.

There being no further business to come before the Council, Mayor Morton asked for a motion to adjourn and the Council so moved at 11:30 p.m.

Mary P. Morris,  
City Clerk

A videotape recording of this meeting has been made part of the permanent record and is available in the City Clerk's office.