

**MINUTES OF REGULAR MEETING****CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street  
Urbana, IL 61801

**DATE:** October 14, 2021**PLACE:** Shields-Carter Meeting Room

1776 East Washington Street

Urbana, IL 61802

**TIME:** 6:42 p.m.

**MEMBERS PRESENT:** Ryan Elwell, Jim Randol, Tom Anderson, Marilyn Lee, Lee Roberts, Larry Wood

**MEMBERS ABSENT:** None**STAFF PRESENT:** Susan Burgstrom, Stephanie Berry, John Hall

**OTHERS PRESENT:** Joan Mathis, Bob Mathis, Barney Bryson, Rena Wilson-Jones, Chris Graham, Maggie Watcher, Steve Halfar, Lesley Deem, Rachel Coventry, Bill Studley, Sue Stimson, Bryan Miller

**1. Call to Order**

The meeting was called to order at 6:42 p.m.

**2. Roll Call and Declaration of Quorum**

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing.

**3. Correspondence - None****4. Approval of Minutes – July 15, 2021 and August 26, 2021**

Mr. Elwell asked if there was any discussion for the July 15, 2021 minutes.

**Mr. Randol moved, seconded by Mr. Roberts, to approve the July 15, 2021 minutes. The motion carried by voice vote.**

Mr. Elwell asked if there was any discussion for the August 26, 2021 minutes. Seeing none, he asked if he could have a motion to approve the August 26, 2021 minutes.

**Mr. Roberts moved, seconded by Ms. Lee, to approve the August 26, 2021 minutes. The motion carried by voice vote.**

**5. Continued Public Hearings****Case 014-AT-21**Petitioner: **Zoning Administrator**

1 Request: **Amend the Champaign County Zoning Ordinance to establish beekeeping requirements**  
2 **as summarized in the full legal advertisement and summarized as follows:**

- 3 **1. Amend Section 3.0 Definitions by adding a definition for “apiary”, “beekeeping”,**  
4 **“honeybee”, “nucleus colony” and other related terms.**
- 5
- 6 **2. Add footnotes 29 to Section 5.2 Table of Authorized Principal Uses.**
- 7
- 8 **3. Add footnote 30 to Section 5.2 Table of Authorized Principal Uses.**
- 9
- 10 **4. Add new Section 7.8 Beekeeping in the R-1, R-2, and R-3 Districts, with new**  
11 **requirements for beekeeping.**
- 12
- 13 **5. Amend Section 9.3.1 G.6. by adding a \$33 Change of Use Permit Application Fee to**  
14 **establish beekeeping in the R-1, R-2, and R-3 Districts.**
- 15

16 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign  
17 the witness register for that public hearing. He reminded the audience that when they sign the witness  
18 register, they are signing an oath.

19  
20 Mr. Elwell asked Mr. Hall if he would like to give them an update on the changes to the text amendment  
21 since the last public hearing.

22  
23 Mr. Hall stated that he could walk through the changes if the Board wants; Supplemental Memorandum  
24 #4 at tonight’s meeting is the newest memo. He said that in the memo tonight, there are two emails that  
25 P&Z Staff received over the past few days. He said that Staff handed out a letter to the Board separately  
26 that they received this evening from the Champaign County Farm Bureau. He said that two emails were  
27 received from Ms. Chris Graham and Mr. Bill Studley reaffirming their opposition to the amendment. He  
28 said that two emails were received from Mr. Barney Bryson and Mr. Charles Glass affirming their support  
29 for the amendment. He said that Mr. Bryson was replying to some things that he had said in previous  
30 hearings, and Mr. Glass’s email was the first communication that Staff has received from him. He said  
31 that Mr. Glass lives on Marylou Drive, which is on the other side of Brownfield Road from the Prairieview  
32 Subdivision. He said that the letter from the Farm Bureau is in opposition; they don’t use this term, but  
33 the proposed amendment is a camel’s nose under the tent for the regulation of agriculture. He said that the  
34 Farm Bureau had made a similar comment in the cannabis regulations that the County Board adopted in  
35 2020. He said that they continue to be against the regulation of agriculture in any shape or form, regardless  
36 of the zoning district. He said that included with tonight’s memo was a graphical illustration of the revised  
37 amendment compared to the original amendment, and staff can walk through those changes if the Board  
38 wants. He said he would summarize by saying that the Board has received a lot of comments about how  
39 the original amendment would have restricted beekeepers’ ability to place beehives where they needed to  
40 go and could be a significant detriment to beekeeping to where the beehives could be put on the lot. He  
41 said that may still be true, but on a typical R-1 lot, which is 80 feet wide and 112 feet deep, the proposed  
42 changes provide 81 percent more of the lot for beekeeping; that is a significant change, but still limits  
43 beekeeping.

44  
45 Ms. Burgstrom said that there was a question in regard to Attachment A, in Supplemental Memo #4,  
46 regarding the change that says 25 feet maximum that is on the right-hand side in front of the house. She  
47 said that it seems to contradict the yellow area, because the yellow area does not include that maximum  
48 area.

1 Mr. Hall said that all he can say is that the change on the amendment was so beehives would not need to  
2 be placed any further than 25 feet from any street, although they need to be no further than the existing  
3 dwelling, but in no case further than 25 feet. He said that this goes back to the comments from the August  
4 26, 2021 meeting, where the young man named Kacey Nelson spoke about how he kept bees on South  
5 Prairie Street in Champaign. He said that street is very dear to his heart, and he walks that street every  
6 day. He said that some of those lots are only 4,000 square feet lots, and the homes are not set back 25 feet  
7 from the street. He said that after walking that street every day and thinking of Mr. Nelson's comment, it  
8 seemed reasonable to him to allow the beehives to be as close to the street as the principal structure was,  
9 but in no case does it need to be more than a 25 feet setback. He said that in some cases in that  
10 neighborhood, the beehives could have a 15 feet setback from the street, because some of the dwellings  
11 have only a 15 feet setback from the street. He said that if they turn the corner, on the street that runs from  
12 Prospect Avenue over to Neil Street, they have tremendous setbacks; he is talking around 50-to-75-foot  
13 setbacks on that street. He said that he doesn't know why, somebody's exaggerated imagination at some  
14 point, but in instances like that, the beehives would need to have no more than a 25 feet setback from the  
15 street. He said that he doesn't know if that explains Ms. Burgstrom's question.

16

17 Ms. Burgstrom said yes it does, thank you.

18

19 Mr. Elwell asked if it was correct that even with the 75-foot setback a beehive would still need to be no  
20 closer than the structure.

21

22 Mr. Hall said it would be no more than a 25 feet setback in any instance. He said that is literally what it  
23 says, and again, it is difficult to write a regulation so that someone coming new into an apiary would have  
24 no questions, but that is literally what it says; it can be as close as the existing dwelling, but no more than  
25 the 25 feet setback is required.

26

27 Mr. Randol asked if the lot was a corner lot, would the beehives have to meet the 25 feet setbacks on both  
28 sides of the streets.

29

30 Mr. Hall said that on South Prairie Street, there are corner lots where the house has less than a 25 feet  
31 setback on each side, and it couldn't be any closer than the principal dwelling.

32

33 Mr. Randol said that the 25 feet setback would be waived, because of the distance from the dwelling to  
34 the street.

35

36 Ms. Burgstrom said that she would like to provide a point of clarification, just to make sure that they are  
37 all on the same page. She said that the commentor, Mr. Nelson, was from central Champaign, but that  
38 doesn't mean that these regulations would apply to central Champaign. She said that Mr. Nelson just  
39 happened to be from central Champaign, but this proposed amendment is still for unincorporated  
40 Champaign County.

41

42 Mr. Hall said that for example, on Division Avenue in north rural Urbana, there are similar 4,000 square  
43 foot lots; not many, but a few. He said that whatever benefit these changes provide, that would be relevant  
44 there. He said that if the Board wants to walk through all the changes, he is happy to do that, but he doesn't  
45 know if that is the best use of time at this point.

46

47 Mr. Randol said that he thinks it would be a good idea, in case someone here has not seen or heard the  
48 changes.

49

1 Mr. Hall said okay, he just wants to make it clear that it is not Staff's expectation that these changes would  
2 significantly change any comment that has been received to date in this public hearing. He said that it is  
3 just their attempt to respond to the beekeepers as best as they can. He said he is going to read from page  
4 35 of 39 in Attachment H of Supplemental Memo #3. He said that in item two in the proposed amendment,  
5 they realized that there are many lots in the R-4 Multi-Family District that only have single or two-family  
6 dwellings. He said that it was popular back in the early 1990s to go with the R-4 Zoning District in  
7 southwest Champaign, so the lots had lesser yards. He said that they added the R-4 District lots with single  
8 or two-family dwellings; otherwise, this ordinance wouldn't have allowed beekeeping in the R-4 District.  
9 He said that item two is for the indication of R-1, R-2, R-3, and R-4 Districts, and item three is for the R-  
10 4 and R-5 Districts, and item number four makes the same change in paragraph A. He said that they had  
11 originally drafted this proposed amendment to be an accessory use to all dwellings, but after the ELUC  
12 meeting, he thought it would be best to require beekeeping to be a Home Occupation. He said that they  
13 realized the Home Occupation had some limits that they did not want to apply to beekeeping. He said that  
14 they do not want to apply the limits on nonresident and nonfamily employees, because if there was a  
15 beekeeper who had beehives on someone else's property, then the limits on nonresident and nonfamily  
16 employees would have meant they couldn't take their kids or spouse along to help them with beekeeping.  
17 He said that they eliminated those limits, so at this point, there are no limits on nonresident and nonfamily  
18 employees that can be involved in beekeeping on someone else's lot.

19  
20 He said that beekeeping has to be conducted outdoors and is an obvious thing; he guesses a beekeeper  
21 could have beehives accessible inside the dwelling, but that is not typical, and they don't want to  
22 encourage it or prohibit it, but a beekeeper could keep bees outside. He said that sometimes, the apiarist  
23 uses smoking to calm the honeybees, but it doesn't actually calm the bees as he understands it; it just  
24 prevents the pheromones from being communicated from bee to bee. He said that the Home Occupation  
25 requirements limit things like smoke, so they are doing away with that requirement. He said that  
26 previously, they did not allow empty beehives to remain outdoors, because they were afraid that the  
27 beehives could be a way of skirting the regulations, but they are doing away with that. He said the empty  
28 beehives may remain outdoors as long as they are upright and maintained, but the limit on beehives still  
29 applies. He said that they increased the limit to four beehives allowed on lots of no more than 10,000  
30 square feet, based largely on the testimony received here in the public hearing. He said that they did more  
31 research and are finding out that four beehives on a 10,000 square foot lot seems to be becoming a standard.  
32 He said that on lots greater than a 10,000 square feet, the beekeeper could add one additional beehive and  
33 one addition nucleus colony for every 2,500 square feet of lot area. He said that they decided to relax the  
34 time limit on nucleus colonies that need to be moved, disposed of, or combined, and they increased that  
35 to 45 days from 30 days. He said that based on the model ordinance from Pennsylvania, there is no limit  
36 on nucleus colonies kept between August 15 to April 15, and that is specifically to mitigate winter bee  
37 losses.

38  
39 He said that they talked previously about various changes made to the ordinance as far as location of  
40 beehives. He said that no less than the actual front yard of the principal structure, but in no case shall  
41 beehives be required to be more than 25 feet from the street right-of-way. He said that they eliminated the  
42 setbacks from alleys, not because there are so many alleys in our jurisdiction, but because they became  
43 aware that was a sticking point for some beekeepers. He said that alleys by and large do not fit into the  
44 definition of public streets, and he saw no reason to keep that separation. He said the separation for rear  
45 yards was reduced from ten feet to five feet, although only a three feet separation is needed when the  
46 beehive faces away from the lot line, and that means they need to know the location of the opening to the  
47 beehive on the site plan. He said the separation of the principal structure was previously 30 feet, but they  
48 started to find model ordinances where there was only a ten feet separation, and that is what they have  
49 recommended here; and in fact, that doesn't apply when the beehive openings face away from the lot line.

1 He said that beekeepers can have a beehive within three feet of a lot line, but in some of these  
2 nonconforming neighborhoods, there could be a house on the next lot within five feet. He said that they  
3 do require the location of the opening on each beehive and nucleus colony to be indicated on the site plan,  
4 and that isn't a detail they included in the beginning, but it is necessary in order to provide some of this  
5 flexibility. He said that fencing requirements were relaxed, and fencing is no longer proposed to be  
6 required if a beekeeper has no more than two beehives, because a lot of the testimony here in the public  
7 hearing had no more than two beehives in an urban setting. He said he doesn't know if they had fencing  
8 or not, but they haven't received that many complaints, so that is the change they are recommending. He  
9 said that the height of the fence, when a beekeeper does have to have fencing, was reduced from four feet  
10 to three feet, and the four feet was based on the fencing required for a swimming pool. He said that they  
11 are still recommending fencing as a life safety requirement, but there clearly is not a history of mortality  
12 associated with beehives as there is with swimming pools, so they felt since there isn't that history, they  
13 could relax the requirements from four feet to three feet. He said that chicken wire would be an acceptable  
14 fencing; he doesn't know if the Board has checked the price of fencing like Mr. Ledford had, but it is  
15 amazing how expensive fencing has gotten. He said it may have already come down somewhat, but the  
16 market being what it is, it is probably not going to come down that much. He said that it is important to  
17 reduce the fencing as much as required, and that is what they are recommending. He said that if the  
18 beekeeper has no more than two beehives, then no fencing is required, but if the beekeeper wants to expand  
19 and their neighbor is willing to sign a waiver, then fencing is waived forever.

20  
21 He said that they did add the provision that if the beekeeper has a flyway barrier that is solid enough to  
22 serve as a fence, then it can serve the purpose of the fence. He said that he could find illustrations of  
23 flyway barriers in other jurisdictions that showed examples of what a flyway barrier was, but their  
24 regulations never actually matched the picture, so they decided to operationalize what a flyway barrier  
25 was. He said that it is a fence that is at least 60 percent solid, which more or less corresponds to the lattice  
26 panels that someone can buy at the hardware store. He said that a lot of illustrations used lattice panels or  
27 dense vegetation, but he is not going to try and define dense vegetation, because in his view, dense  
28 vegetation is an evergreen shrub. He said that he is open to other examples of dense vegetation, but he  
29 doesn't want to try and define in it writing. He said that they did accept this approach to a flyway barrier,  
30 where it can physically be a shorter thing if it is in front of the beehive, and within five to six feet; if the  
31 flyway barrier is behind the beehive, they reduced it from ten feet on either side of the beehive to eight  
32 feet to match standard construction modules. He said that if dense vegetation is used, the initial planting  
33 may only be four feet in height, but then they would need a temporary fence to do that. He said that they  
34 would need to know the location of the beehive openings on the site plan.

35  
36 He said that the water source was reduced in scope and that one water source is adequate for no more than  
37 two beehives, but once the beekeeper goes past two beehives, then they would need to provide two water  
38 sources. He said that these water sources could be nothing more than birdbaths, but he doesn't think that  
39 birdbaths by and large create a wetness problem in lawns. He said that any required water source should  
40 not be allowed to become stagnant or to become a breeding place for mosquitoes, and if the beekeeper  
41 changes it daily, that should not be a problem.

42  
43 He said that they got rid of the fee, and the fee was a hangover from when this was considered an accessory  
44 use, but they have never required fees for Home Occupations, so there is no fee. He said that those are the  
45 changes that Staff recommended, but he can't stress enough that what the Board sends to the County Board  
46 will be their recommendation. He said that he hopes the Board can see their way fit to at least recommend  
47 that the County Board adopt a limit on the number of beehives. He said that the Board can simply  
48 recommend a limit on the number of beehives, and he hopes they would agree that the limit should be no  
49 more than four beehives on a lot of 10,000 square feet or less. He said that he hopes the Board allows an

1 additional beehive for every 2,500 square feet additional lot area. He said that the Board could amend this  
2 amendment tonight to only be a limit on beehives, and he would not agree with those changes, but this is  
3 going to be the Board's recommendation. He said if that is what it takes to get a positive recommendation,  
4 then that would be better than not having a positive recommendation.  
5

6 Mr. Randol said that pertaining to the boundary, Mr. Hall mentioned that the neighbors can sign off on  
7 the fencing that is required. He said that Mr. Hall said "forever," which he doesn't have a problem with at  
8 all, but what if the property changes ownership at some point in the future. He asked if the next person  
9 that moves on the property has the right to change that waiver.  
10

11 Mr. Hall said no.  
12

13 Mr. Randol said that has no effect.  
14

15 Mr. Hall said that it has no effect, because if it is waived by the original owner, then it is waived forever.  
16 He said that they can't have that waiver floating back and forth.  
17

18 Ms. Lee asked him what his definition was of stagnant water.  
19

20 Mr. Hall said that his definition of stagnant water was water that has pooled for a long time, and has a lot  
21 of moss and algae in it. He said that the Nuisance Ordinance already prohibits bodies of stagnant water  
22 and that is the only standard that he applied. He said that he is not aware that water rots, because water  
23 doesn't deteriorate, but to him that is what stagnant water means.  
24

25 Ms. Lee asked him how many days he would estimate that it takes to become stagnant water.  
26

27 Mr. Hall said that he wouldn't try to estimate that, because it is a function of many things.  
28

29 Mr. Randol said that it would depend on the weather.  
30

31 Mr. Wood said that the ordinance that was passed in Springfield, Illinois, in Attachment D, Supplemental  
32 Memo #3, doesn't seem too restrictive from what he has read. He asked Mr. Hall if he had any feedback  
33 from them and if he had asked them what the impact was once they implemented that ordinance.  
34

35 Mr. Hall said that no, he didn't, because it says nothing about lots greater than 10,000 square feet, which  
36 makes him think that it is completely unregulated. He said to go from a limit of four beehives to  
37 unregulated at such a small lot size, he really did not think it was worth following up on.  
38

39 Mr. Randol referred to page two of three, in Attachment D, Supplemental Memo #3. He said that in part  
40 91.26(b).(2).(iv), it says, "Lots having less than 10,000 square feet shall not have more than four hives."  
41 He said that is kind of similar to what they have proposed in the new recommendation.  
42

43 Mr. Hall said how many beehives can a beekeeper have on a lot that is 10,000 square feet.  
44

45 Mr. Wood said that it doesn't say.  
46

47 Mr. Hall said that it is unlimited.  
48

49 Mr. Wood said yes, Mr. Hall had mentioned earlier in the session about how many acres this amendment

1 would impact. He asked if it was around 4,000 acres.

2  
3 Ms. Burgstrom said that Ms. Rena Wilson-Jones had mentioned that it would impact around 8,000 acres  
4 in a two-mile radius.

5  
6 Mr. Wood said just the rural residential areas would be impacted by this and he recalls, it was a very small  
7 percentage that they were talking about. He asked how much of the population in Champaign County does  
8 that impact.

9  
10 Mr. Hall said that he would imagine that it would impact no more than 20,000 residents.

11  
12 Mr. Wood said 20,000 residents.

13  
14 Mr. Hall said the total of rural Champaign County, and Ms. Burgstrom, correct him if he is wrong, but he  
15 thinks that it is 35,000 residents.

16  
17 Ms. Burgstrom said that she hasn't looked at the 2020 Census.

18  
19 Mr. Wood said that Champaign County is around 200,000 residents, and then subtract Champaign-Urbana  
20 and the other small towns.

21  
22 Ms. Burgstrom said that she found the map, and it showed in the R-1, R-2, and R-3 Districts, it was 4,262  
23 acres, which is 0.72 percent of the unincorporated area, and R-4 and R-5 Districts had 820 acres, which  
24 was 0.41 percent of the unincorporated area.

25  
26 Ms. Lee said that the question she asked at the very first public hearing that they had on this amendment  
27 was how they were going to determine where the bees were coming from, and they talked about how the  
28 bees could travel around a 12-mile radius.

29  
30 Mr. Hall said that they don't have to determine where the bees are coming from, that is not at all an issue.  
31 He said that the only issue is that within a reasonable radius of a lot from which staff have received the  
32 complaint, are there any beehives that are not being kept in accordance with these regulations. He said  
33 that they would never know where a bee causing the problem would come from, so the only thing staff  
34 can check for is if all the beehives are visible and in conformance with this ordinance within a reasonable  
35 radius. He said that is all they can ever do with this amendment, and if they can't see a beehive, then they  
36 are not going to know about it anyhow. He said that this is not about finding where the bee came from that  
37 stung someone and assessing blame, not at all. He said that we have neighbors who have been through  
38 one instance where there was no limit on the number of beehives, and the State does not limit the number  
39 of beehives, and the only entity that can limit the number of beehives is Champaign County government.  
40 He said that is why, once again, if that is all the Board can recommend, then please recommend that there  
41 be a limit on the number of beehives in the Residential Zoning Districts.

42  
43 Mr. Elwell referred to page three of five in Attachment C, Supplemental Memo #3. He said that there are  
44 five beehive boxes in the photo.

45  
46 Mr. Hall said that these were the photos submitted by Rachel Coventry.

47  
48 Mr. Elwell said correct. He asked him if this was a beehive.

49

1 Mr. Hall said yes.  
2  
3 Mr. Elwell asked him if the second box stacked five tall was a beehive as well.  
4  
5 Mr. Hall said yes.  
6  
7 Mr. Elwell said that he thinks there is a limit on how high a beekeeper can stack the beehives.  
8  
9 Mr. Hall said that they have not included any limits like that in this ordinance and they are going to leave  
10 that up to the beekeepers.  
11  
12 Mr. Elwell said that this one unit in the photo would be one beehive.  
13  
14 Mr. Hall said yes.  
15  
16 Mr. Elwell said that there are five beehives in the photo, possibly a sixth beehive, and asked if each would  
17 be considered as one beehive.  
18  
19 Mr. Hall said yes.  
20  
21 Mr. Hall said that the picket fencing he sees around those beehives would be entirely appropriate fencing  
22 for their regulation.  
23  
24 Mr. Elwell asked if there were any other questions from the Board.  
25  
26 Mr. Wood said that other than this one particular circumstance in the Prairieview Subdivision that the  
27 Board has all discussed here, were any other complaints in the history of Champaign County beekeeping  
28 causing a problem. He said he has never heard of any complaints at all.  
29  
30 Mr. Hall said that he has gotten complaints from the rural area.  
31  
32 Mr. Wood said from the rural area.  
33  
34 Mr. Hall said that most of those complaints have to do with aggressive beehives. He said that he tells those  
35 landowners that staff can't do anything, and they should contact the Department of Agriculture. He said  
36 that he has not received a great number of those complaints, but he has received complaints like that.  
37  
38 Mr. Wood said not from the rural residential areas, and then within Champaign-Urbana, there are lots of  
39 beehives out there. He said that he has never heard of anything that would give him cause to think that it  
40 is a nuisance out there if the beehives are well taken care of. He said that is why he was curious about the  
41 Springfield, Illinois issue, and what was going on over there. He said he doesn't know whether the  
42 beekeeper's association can respond to that or not.  
43  
44 Mr. Hall said that date on that ordinance was 1988.  
45  
46 Mr. Wood asked him if he meant for Springfield, Illinois.  
47  
48 Mr. Hall said yes.  
49

1 Mr. Wood said that the date he saw in Attachment D, Supplemental Memo #3, was that they had passed  
2 the ordinance in 2012.

3  
4 Mr. Hall said that he thought it was 1988, but maybe he had that wrong.

5  
6 Mr. Elwell said that it is at the top of Attachment D, in Supplemental Memo #3.

7  
8 Mr. Wood said okay.

9  
10 Mr. Elwell said, "An Ordinance Amending Chapter 91 of the 1988."

11  
12 Mr. Hall said that the ordinance they were amending was from 1988, but the amendment was in 2012. He  
13 told Mr. Wood that he was right.

14  
15 Mr. Wood said that it didn't actually become an ordinance until 2012. He said that there is around 10  
16 years of history out there.

17  
18 Mr. Hall said that it could be.

19  
20 Mr. Elwell told Mr. Hall that it sounded like he walked Prairie Street quite a bit. He asked him if he noticed  
21 or knew about the beehives on that really small lot prior to the testimony that was provided during the last  
22 public hearing.

23  
24 Mr. Hall said that he has never seen a beehive in Old Town Champaign where he walks, and from  
25 testimony or written communications that Staff have received, there are some lots where there apparently  
26 are beehives, but he has never seen them. He said that is a good thing, because the best thing for the  
27 beekeepers to do is to have their beehive not be visible; that way it is not attracting unnecessary attention,  
28 but no he hasn't.

29  
30 Mr. Elwell asked if there were any other questions from the Board.

31  
32 Mr. Anderson asked if the water supply is seasonal and the flyway. He said that there were a set of  
33 conditions that he saw that mentioned that water sources were not necessary during the winter, because  
34 the water freezes over, so that is something to think about. He said that he did some research on the flyway  
35 and it makes a difference as to what is carried in the flyway. He said that worker or drone bees swarm out  
36 in particular ways, and can be carried according to winds, and there are a lot of stiff winds around here  
37 that can carry the flyway. He referred to page 38 of 39 in Attachment H, Supplemental Memo #3. He said  
38 that he doesn't think on part two that it is a contagious if.

39  
40 Ms. Burgstrom asked him if he would clarify that he said contagious, because she is not sure she heard  
41 him right. She said that he started to talk about part two on page 38, but then she lost him.

42  
43 Mr. Anderson said that all three of those items under part two are very tenuous about the flyway.

44  
45 Mr. Hall said that in regard to the water source and the seasonality, whether it is correct or not, the  
46 ordinance requires a water source to be available between April 1 to November 30, and all days in which  
47 temperatures exceed 55 degree for three consecutive days. He said that the bees are going to be leaving  
48 the beehive in the winter, typically in February, because it starts to get warm and the bees go outside. He  
49 said that they all know what the bees do when they leave the beehive, and it requires water to be available

1 during those times. He said that was from other ordinances that he had found; obviously, that requirement  
2 means the beekeeper has to actively manage what the weather is going to be like, and if they are going to  
3 need to have a water source available. He said that he doubts that is a popular item, but he got it from the  
4 Lake County Ordinance. He said the beekeeper doesn't have to have a water source provided when it is  
5 freezing weather, but when it starts to thaw out for three consecutive days, then the beekeeper is supposed  
6 to have a water source.

7  
8 Ms. Lee said that there is a problem in the ordinance because they have November 30 as an absolute date,  
9 but there could be freezing weather before November 30 and they don't have an exception for November  
10 30.

11  
12 Mr. Hall said that she is right.

13  
14 Mr. Anderson said that is assuming the bees are going to leave the beehive and there are no flowers during  
15 the winter.

16  
17 Mr. Hall said that when it gets warm enough, the bees will leave the hive simply to relieve themselves if  
18 nothing else.

19  
20 Mr. Anderson said in beehives and swarms, where the bees are sticking through the flyway.

21  
22 Mr. Hall said that is what he has read and that is actually what the testimony here at this public hearing  
23 supports. He told Mr. Anderson that he may recall during Mr. Barney Bryson's testimony about him  
24 finding bees in his pool in mid-February when the temperature had, in fact, been 50 degrees for three  
25 consecutive days.

26  
27 Ms. Lee said that she knows from personal knowledge, because her daughter was born on November 28,  
28 and they had nine inches of snow that day. She said that she thinks November 30 is way too late to have  
29 a requirement for the water source.

30  
31 Mr. Hall said that this is the Board's amendment, and they can change that date.

32  
33 Mr. Randol said that he thinks a good beekeeper, if they feel that there is a need for water on November  
34 30 or December 25, is going to have water for their bees, because they know the bees are not going to be  
35 out flying two or three miles trying to look for forage. He said that if the bees come out at that point, then  
36 they are looking for a drink also, so he thinks a good beekeeper is going to be paying attention to the water  
37 source. He said that he doesn't think the date is that big of an issue.

38  
39 Ms. Lee said that is what is written in the proposed ordinance, that water has to be continuously available  
40 to November 30; there is no exception in there.

41  
42 Mr. Elwell asked if that meant the water source had to be heated.

43  
44 Mr. Randol said that if everything is frozen up outside, then the bees are not going to be outside anyhow,  
45 so it is not going to matter whether there is a water source available. He said that if it is too cold on  
46 November 30, then the bees are not going to need water, because they are not going to come out of the  
47 beehive.

48  
49 Ms. Lee said that this language is in the proposed amendment, which is going to require the beekeepers

1 to have a water source available until November 30.  
2  
3 Mr. Elwell asked in what form.  
4  
5 Mr. Wood said that is doesn't say in what form.  
6  
7 Mr. Elwell said liquid, ice, or steam.  
8  
9 Mr. Wood said that as soon as it gets above 32 degrees it will thaw, and at 50 degree the bees will come  
10 out and drink. He said he doesn't think the bees will come out if it's any cooler than that, but somewhere  
11 around that range is what he remembers hearing.  
12  
13 Mr. Hall told Ms. Lee that he appreciates that comment, because that is what is difficult in drafting  
14 something like this, so that it works in all instances. He said that the Board can bump that date back to  
15 November 15; he asked if that would work better.  
16  
17 Mr. Elwell asked if they had to have a date for the water source.  
18  
19 Mr. Hall said that the Zoning Administrator would always prefer a date in the ordinance, rather than trying  
20 to impose judgement on something like that.  
21  
22 Mr. Elwell said that they are imposing judgement on the 55 degrees or more for three consecutive days,  
23 and asked Mr. Hall why they can't use that, and no dates.  
24  
25 Mr. Hall said that he would rather the Board cut the date back from November 30 to still have a date  
26 certain, but this is the Board's amendment.  
27  
28 Mr. Elwell asked if there were any other questions from the Board.  
29  
30 Mr. Randol said that he would like to clear up something where there might be some confusion in these  
31 ordinances, whether the Board accepts them or not, but he thinks that the discussion pertaining to the  
32 flyway is not making reference to the distance and direction the bees are flying away from for foraging.  
33 He said that if he is not mistaken, they are looking at the approach the bees take to and from the beehive  
34 as being the flyway, because in the proposed ordinance it refers to a flyway barrier, so when the bees are  
35 flying back to the beehive, that is the flyway that the ordinance is making reference to. He said that he  
36 doesn't know if that helps make things clearer.  
37  
38 Mr. Anderson said that someone who knows a great deal more about bees than him could speak to this.  
39  
40 Mr. Elwell said that the public will have their opportunity.  
41  
42 Mr. Wood said that on this issue with the water source and the date, he really doesn't see a need for the  
43 date there, because if they are going to require that the water be available whenever the bees are active,  
44 then he thinks that pretty well covers it. He said that as far as the beekeepers are concerned, it is a question  
45 of survival for the colony that they have the water source available to the bees, particularly if it is cold  
46 outside, and when the bees do venture out, it is important that the water source is relatively close to them.  
47  
48 Mr. Hall said that his impression from testimony in this public hearing is that not all beekeepers think that  
49 it is necessary to provide a source of water. He said why else would they be opposing a rule that requires

1 water, and in fact, water is one of the main sources of conflict between neighbors and beekeepers. He said  
2 that in Mr. Barney Bryson's example, a honeybee is never going to find a better source of water than a  
3 swimming pool, and once the bees find it, until those bees are taken miles away, they are going to keep  
4 coming back to it.

5  
6 Mr. Wood said that in terms of the pool in this case, especially if the pool is chlorinated, that attracts the  
7 bees. He said that the homeowner doesn't have much of a choice; if they are going to have the pool with  
8 chlorine, then they are probably going to attract a variety of insects.

9  
10 Mr. Hall asked Mr. Wood if he would go back to one thing that he said previously. He said that if this  
11 proposed ordinance does nothing else, it means the beekeepers would not have to have a water source for  
12 the bees when the temperature suddenly increases to above freezing temperatures for one or two days. He  
13 said that the beekeepers do not have to provide a water source until the temperature exceeds 55 degrees  
14 for three consecutive days. He said that if an ordinance is too restrictive, it gives way too much power to  
15 the Zoning Administrator; they can make issues for people when there may not be issues, and he thinks it  
16 is important to have days specified and have the dates be reasonable, but not excessive or lenient. He said  
17 to please not give their Zoning Administrator a lot of flexibility, because then he will just be sitting there  
18 wondering what the heck he is supposed to do with this. He said it is almost better to have it a little too  
19 restrictive, and written down on paper in black and white, so there are no questions. He said that this  
20 Zoning Administrator has a right to be asking this question today.

21  
22 Ms. Lee said that she thinks a more appropriate date would be October 31, because there could be cold  
23 weather even at the beginning of November.

24  
25 Mr. Hall said that October 31 would be better than no date.

26  
27 Mr. Anderson asked who the inspector is going to be of the local beehives.

28  
29 Mr. Hall said like in the case of Mr. Barney Bryson, for example, Mr. Bryson calls into the P&Z  
30 Department and there have been three warm days in February, and he has bees over on his property. He  
31 said that the Zoning Administrator or his designee would go review the neighborhood to see if there were  
32 any visible beehives. He said that if there are visible beehives, Staff would determine if they received a  
33 permit from them, and if they have received a permit from them, are they following the rules. He said that  
34 if it is three days with 55-degree temperatures, then there should be a water source, and if there isn't a  
35 water source, they will contact that landowner and let them know they have had a complaint about bees.  
36 He said they know that they may not be the landowner's bees, but he will let them know that there has  
37 been three consecutive days with 55 degrees, and they are supposed to have a water source for their bees  
38 in those conditions. He said that is all the staff would do.

39  
40 Mr. Roberts asked if the State of Illinois sends out inspectors if a homeowner calls them.

41  
42 Mr. Hall said that if the complaint is egregious enough, yes they will, but he doubts that they reply to  
43 every complaint.

44  
45 Mr. Roberts said that he couldn't hear him.

46  
47 Mr. Hall said that if the complaint is egregious enough, as in Mr. Bryson's example, where he had counted  
48 30 beehives on a small residential lot, then yes, they would send out inspectors. He said if a homeowner  
49 calls about something on a smaller scale, then he is sure they would send inspectors out at some point. He

1 said that they don't require a water source to be available, they don't require a limit on the number of  
2 beehives, they don't require the beehives to be off the property line, they don't require a flyaway barrier,  
3 and they don't require fencing. He said that this does not replicate any requirements under the Department  
4 of Agriculture, and they don't have any requirements like this; they may strong arm a beekeeper that has  
5 what they think to be an unreasonable number of beehives, but they have no regulatory authority to do  
6 that. He said that they have no rules at all on the number of beehives that can be on a lot in a Residential  
7 District.

8  
9 Mr. Roberts asked if it was because beekeeping was agriculture.

10  
11 Mr. Hall said yes.

12  
13 Mr. Roberts said that they are talking about an agricultural area, where these beehives are currently that  
14 Mr. Barney Bryson is complaining about in the past and presently.

15  
16 Mr. Hall said that they found out that the beehives are on land that is not zoned agriculture, because it is  
17 apparently inside the City of Urbana, and is zoned residential. He said that it is the same thing because  
18 they don't regulate what goes on inside the City of Urbana. He said that the beehives that are not in the  
19 County Residential Districts have nothing to do with this amendment. He said that if there are more  
20 beehives that are not on a lot in a residential subdivision, then they might go out and verify that the  
21 beehives are not in the County residential subdivision, so they do not fall under these regulations. He said  
22 that is a service that the Staff could provide, and to let the landowner know that they do not have any rules  
23 for that. He said that going back to Mr. Wood's comment, staff has not received that many complaints and  
24 he really doesn't think that they are going to start receiving boatloads of complaints about honeybees. He  
25 said that a few years ago, the County adopted burning regulations on landscape waste, and they received  
26 a few complaints the first fall, but after that, people got used to the regulations. He said that he is not  
27 concerned about their office being swamped with complaints about honeybees if these rules are adopted.

28  
29 Mr. Lee said that people may think that there are honeybees when they are in fact a different insect. She  
30 asked what about that issue.

31  
32 Mr. Elwell said the beekeepers need to hide their beehives.

33  
34 Mr. Hall said yes, the beekeepers need to hide their beehives, because they might ask people, particularly  
35 in the fall, if they are sure it was a honeybee and not a Yellow Jacket. He said that in his view, they are  
36 obligated to go out and check to see if there are honeybee hives in that vicinity that are not being kept  
37 according to these regulations. He said that they have only ever received one complaint about honeybees  
38 in Residential Zoning Districts. He said that they might get two, three, or even a half dozen, but that is  
39 something that Staff could handle.

40  
41 Mr. Wood said that the staff might get more than that, they might be opening up a Pandora's box to a lot  
42 of complaints if they pass this amendment. He said that the other issue that he has with this whole thing  
43 is that he does not see that it will solve the problem.

44  
45 Mr. Hall asked him if he did not hear what the neighbors said at the last public hearing. He said that the  
46 neighbors want a limit on the number of beehives.

47  
48 Mr. Wood said so that everybody there can have four beehives on each lot.

1 Mr. Hall said that anyone there could have an unlimited number of beehives right now; they are not going  
2 to go out and get beehives just because the County adopted a regulation.  
3  
4 Mr. Wood said that is not a reasonable prediction that that is not going to happen, but every person can  
5 have four beehives on each lot once this amendment is passed. He said that he does not see that it solves  
6 any problem; this whole ordinance is not to solve that problem as far as he can tell.  
7  
8 Mr. Hall said that this ordinance will solve the problem of beekeepers bringing in too many beehives into  
9 a Residential Zoning District, and there not being a limit on the number of beehives. He said that it is that  
10 clear, that it is exactly the problem that this amendment will solve.  
11  
12 Mr. Randol asked him what the lot size was of the lot that has created all of the controversy.  
13  
14 Mr. Hall said that he thinks around 14,000 square feet.  
15  
16 Mr. Elwell said that there were allegedly 30 beehives on that lot.  
17  
18 Mr. Randol said in that neighborhood.  
19  
20 Mr. Hall said that allegedly there were 25 to 50 beehives, the State said there was something like 45  
21 beehives if he remembers right. He said just the fact that the Department of Agriculture had to strong arm  
22 that person, maybe strong arm tactics are fine, but to him that means that there should be a local ordinance  
23 in place, number one, so the Department of Agriculture Inspector does not have to strong arm anyone.  
24  
25 Mr. Elwell asked if they knew the rough footprint of each beehive, like is the beehive 18 inches by 12  
26 inches.  
27  
28 Mr. Hall said that he thinks the beehives are approximately two feet by two feet, and he thinks one  
29 dimension is less than two feet, but that is what he has been using, two feet by two feet.  
30  
31 Ms. Lee said that Mr. Anderson had just pointed something out to her, which sort of goes along with her  
32 date issue. She referred to page seven of eight in Attachment E, Supplemental Memo #3. She said that in  
33 part (V.)(4.), the dates are April 1 to November 1, which kind of goes along with her proposed October  
34 31 date.  
35  
36 Mr. Hall said that would be a great change to the amendment if the Board would want to make it.  
37  
38 Mr. Elwell asked him if he could remind them what kind of remedy the Department of Agriculture would  
39 recommend.  
40  
41 Mr. Hall asked in the case of a large number of beehives.  
42  
43 Mr. Elwell said right.  
44  
45 Mr. Hall said that he believes Ms. Rena Wilson-Jones said that they told her she had to move the beehives.  
46  
47 Mr. Elwell asked if the Department of Agriculture understands beekeeping more than what a Zoning Board  
48 would.  
49

1 Mr. Hall said absolutely.

2  
3 Mr. Elwell asked what would be the con of defaulting to the entity that knows more about beekeeping  
4 than what the Board does.

5  
6 Mr. Hall said that the con would be, that the citizens are subject to varying levels of regulation, depending  
7 on how strong arm the apiary inspector wants to be at any given point; there is not a reliable standard. He  
8 said that they might let that person do it that way, but now he is telling another person that they have to  
9 do it this way, because he does not have any standards in place, but that is his criticism.

10  
11 Mr. Elwell said that there are no standards from the Department of Agriculture.

12  
13 Mr. Hall said no.

14  
15 Mr. Elwell said that just doing some rough math, if a beekeeper had a 2 feet by 2 feet beehive, and if a  
16 beekeeper had 45 beehives on a 14,000 square foot lot, then they are looking at .01 to .02 percent of the  
17 total lot coverage for beehives. He said that is quite a bit, that is not even taking into account the house  
18 and stuff like that.

19  
20 Mr. Hall said that it is pretty impressive when you look at it in an aerial photograph and someone sees that  
21 many beehives.

22  
23 Mr. Elwell said right. He asked if there were any other questions from the Board.

24  
25 Mr. Elwell said that he just kind of wishes that everyone would get along and that the beekeepers would  
26 be good stewards of what they have. He said that he feels like the Board is here trying to legislate common  
27 sense, but he thinks that proves to be a pretty difficult thing.

28  
29 Mr. Elwell said he was not seeing any more questions from the Board, so he is going to open the Witness  
30 Register. He said that he would ask for the witnesses to focus on the testimony from this meeting and the  
31 changes to the amendment that have been submitted to the Board tonight, not prior testimony. He asked  
32 for Ms. Lesley Deem to testify, and to please state her full name and address.

33  
34 Ms. Lesley Deem stated she lives at 1205 North Division Avenue in Urbana, Illinois. She said that she is  
35 not here to make a statement, she just wants to answer bee related questions if the Board has any.

36  
37 Mr. Elwell asked if 45 beehives on one lot is excessive.

38  
39 Ms. Deem said yes.

40  
41 Mr. Elwell asked if she would recommend any beekeeper to have 45 beehives on a lot.

42  
43 Ms. Deem said not on a residential lot.

44  
45 Mr. Elwell asked if she could give him any insight into the Department of Agriculture or does she have  
46 any experience working with the Department of Agriculture when it comes to beekeeping.

47  
48 Ms. Deem said only a little bit; she has met a lot of the inspectors and has had them come give talks to the  
49 different 4-H classes that she has done at the U of I Pollinarium. She said that the inspectors are a good

1 group of people and the beekeeper community is very responsive to each other.  
2

3 Ms. Lee said that at one of the previous public hearings she had asked questions about how many beehives  
4 that the U of I has farmed out in various locations in the county. She said that Ms. Deem had told her that  
5 she wasn't sure, but she wondered if she had a chance to find out how many beehives the U of I has.  
6

7 Ms. Deem said that she did not get a number on the number of beehives, and the U of I is in the midst of  
8 reducing their number, so that their one beekeeper can manage the beehives, work with the students, and  
9 the professors with the honeybees they need. She said that their needs tend to be a little different, and they  
10 also have indoor facilities to try and prolong the time period, and they are trying to pull brood at specific  
11 ages of honeybees. She said that they manage their beehives a little differently than a regular beekeeper  
12 would.  
13

14 Mr. Elwell asked if four beehives on a residential lot is too much or too little.  
15

16 Ms. Deem said that she was comfortable going with more beehives, because she knows some beekeepers  
17 that have about six or seven beehives on one lot, and they are not having any problems.  
18

19 Mr. Elwell asked her what would be too many beehives, in her opinion.  
20

21 Ms. Deem said that varies with the beekeeper, the neighborhood, the bees' nectar sources, and there are a  
22 lot of things involved. She said that she has a narrower lot than what is in the proposal and it is only a 50-  
23 foot-wide lot, so she would do six beehives on her lot.  
24

25 Ms. Lee asked her if she had seen the picture that the Board had in their information for tonight's public  
26 hearing. She referred to page three of five in Attachment C, Supplemental Memo #3, where it shows the  
27 beehives, which look like drawer type things. She said that it looks like there are five beehives, but that is  
28 still considered one beehive, correct.  
29

30 Ms. Deem said right, the individual boxes that are stacked are called a "hive body" or "honey super," so  
31 some of the boxes will contain mostly brood, babies, bees, and some will be just for honey storage. She  
32 said that there are multiple boxes; this is where the beekeeper is letting them build up honey and the  
33 number of bees that the beekeeper has. She said that the beehive can be as small as one box and the picture  
34 that the Board has, shows more boxes stacked on top of each other, but one beehive is that set of "honey  
35 supers."  
36

37 Ms. Lee asked what the maximum number of boxes were that would usually make up one beehive.  
38

39 Ms. Deem said that varies with each beekeeper; she doesn't like to lift a box down from above her head,  
40 so she tends to have five to six boxes stacked. She said that she is short, so she can't reach up and pick up  
41 something heavy off and pull it down. She said there are going to be different numbers depending on the  
42 time of year, when all the beekeepers' honey supers are still on, and the beehive boxes that the honey  
43 frames are still on and the beekeeper hasn't harvested the honey yet, then the beekeeper will have more  
44 boxes stacked. She said that going into winter, the beekeepers usually pull it down to about four or five  
45 boxes stacked.  
46

47 Mr. Elwell asked her how she feels about the water source part of this ordinance.  
48

49 Ms. Deem said that a birdbath with pebbles will work, because you have to give the honeybees something

1 so they do not drown. She said that the water source will freeze once the bad weather comes; then the  
2 beekeeper would have to have a dish that doesn't freeze outside, or the beekeeper would have to have a  
3 heater. She said that she doesn't know many beekeepers that have a heater, but some beekeepers do. She  
4 said that when she lived on a farm, they had a heater that floated on the surface in a water trough, so the  
5 bees would just share with the pigs.

6  
7 Mr. Elwell asked why the bees would need a heater if the bees do not leave the beehive until around 50  
8 degrees.

9  
10 Ms. Deem said that in her case she had pigs, so she had a heater, because she wanted an open water source  
11 for the pigs. She said that it was convenient for when the temperatures increased above 55 degrees, and  
12 then the bees could leave the beehive to come and get a drink.

13  
14 Mr. Elwell said that the heater was not for the bees.

15  
16 Ms. Deem said that the heater in the water trough was not for the bees, because it was for pigs, but she  
17 used it for both things.

18  
19 Mr. Anderson asked her if multiple beehives influence the flyway of a beehive area.

20  
21 Ms. Deem said that the flyway is going to be the path out of the beehive, and as a beekeeper puts beehives  
22 next to each other, if the beekeeper wants to force the bees to fly up, then the beekeeper will have to extend  
23 the fence further in front of the beehives' openings, if the beekeeper puts beehives side by side.

24  
25 Mr. Anderson asked her if the wind influenced the flyway path from the beehive.

26  
27 Ms. Deem said that the bees can get blown off course or if the bees come up and over the flyway barrier,  
28 and if there is a strong breeze, it can buff the bees and blow them around a bit. She said the bees still tend  
29 to have the same direction, as in leaving the beehive and flying up and over the flyway barrier.

30  
31 Mr. Anderson asked her how wide the flyway barrier would have to be - one, two, or three beehive boxes  
32 stacked. He asked if the flyway barrier width would be like adding to each individual beehive.

33  
34 Ms. Deem said that the beekeeper can put their fence up and they can put sections up to where the  
35 beekeeper can adjust where the beehive boxes are, so the beehives are behind the fence or the flyway  
36 barrier. She said that the beekeeper can stack their beehives as close to each other as they want to work  
37 them, and then the beekeeper adjusts the flyway barrier in front of the beehives. She said that each  
38 individual beekeeper has to adjust the flyway barrier depending on the number of beehives that they have,  
39 and in what part of the yard or lot that they want to have the beehives. She said that the beekeepers put  
40 the flyway barrier in front of the beehives to make the bees fly up and over it.

41  
42 Mr. Anderson said that the language talks about a flyway for worker bees and drone bees.

43  
44 Ms. Deem said that they don't tend to worry about the drone bees, because those are the male honeybees,  
45 and male honeybees have no stingers, so beekeepers don't worry about the flight path of the male  
46 honeybee as much as they do with the worker bees, because they have the stinger. She said that she doesn't  
47 usually fuss about the male honeybees.

48  
49 Mr. Anderson said that is a shame, because most of the recent research is done using radar and things like

1 that to drone swarms.

2  
3 Ms. Deem said that researchers are trying to figure out how drone bees congregate and mate with the  
4 queen bee, and how they can determine where these mating sites would be located, because they want  
5 well mated queen bees. She said that they have done a lot of research on how the drone bees fly.

6  
7 Mr. Elwell said that there is a lot of study on the birds and the bees.

8  
9 Ms. Deem said yes, still a popular topic.

10  
11 Ms. Lee said that the Board really appreciates all her information that she has provided to them in all three  
12 of these public hearing sessions so far.

13  
14 Ms. Deem said that she is just trying to be helpful.

15  
16 Mr. Elwell asked her that if she was sitting in here, is she okay with the revision to this ordinance.

17  
18 Ms. Deem said that she is much happier with the revisions to this ordinance, but she asked if she was  
19 sitting here or where they are sitting.

20  
21 Mr. Elwell said both.

22  
23 Ms. Deem said that she can't take the beekeeper out of her, so she guesses that if she merged everything  
24 together, then she would go for an ordinance that would limit the number of beehives on each lot and  
25 didn't limit all the other specifications about the water sources, flyway barriers, and things like that. She  
26 said that it is a normal thing that the beekeeper does when they get into the art anyways. She said that as  
27 a beekeeper, she does not want the ordinance to be approved, but sitting in the Board's place and trying  
28 to go down the middle, then she would do the ordinance with limiting the number of beehives.

29  
30 Mr. Elwell asked her about limiting the number of beehives to six beehives, and does she think that is  
31 going to be enough to be down the middle. He said that there are obviously some complaints about the  
32 excrement on vehicles, bees found in pools, but is six beehives on each lot going to mitigate that.

33  
34 Ms. Deem said yes.

35  
36 Mr. Elwell asked if there were any other questions from the Board or Staff for this witness.

37  
38 Mr. Wood asked her how she determines the capacity; for example, if there is a residential area, and each  
39 landowner ends up with six beehives on every nonadjacent property, then there has to be a limit in terms  
40 of the food source that is available for that many beehives, and he doesn't know how someone would  
41 judge that.

42  
43 Ms. Deem said that they are never going to get to where each household has their own bees with their  
44 garden; it just doesn't happen. She said that in the little neighborhood where she lives, there are three  
45 people that wanted to keep bees, and so they picked the one yard that had the least neighbor interaction,  
46 and they each put at least one beehive in that yard. She said that they did an apiary together and limited  
47 the number of flyway barriers, and the lot that they picked had an extra-long section. She said beekeepers  
48 usually try to pick a lot that keeps their bees away from neighbors and that hides the beehives. She said  
49 that the beekeepers want them out of sight and out of mind, and not fussing with neighbors. She said that

1 if the Board approves that there can be six beehives in every residential yard, and then every household  
2 has six beehives, then that is an overload. She said that the bees won't be able to get enough food or nectar,  
3 then the beehives won't thrive, and they won't be well fed; then they won't make it through the winter  
4 and there will be a huge decrease in the beehive population if that happens. She said that six beehives in  
5 every yard is not sustainable or they can't carry that.

6  
7 Mr. Wood said that he didn't think that it would be, but if they were to create that limit, of course right  
8 now it is unlimited, so not everybody is going to do that anyway, is there a way of determining for an area,  
9 as opposed to by residence, because of the available food source that is out there, and then have some kind  
10 of means to measuring what food sources are really going to be available depending on the range that the  
11 bees are going to fly; a more quantitative type of solution. He said he doesn't know whether she has had  
12 any thoughts about that or not.

13  
14 Ms. Deem said that the nectar availability is going to vary every year with the things that are planted and  
15 available to the bees, and she was going to ask somebody in that neighborhood if she could put some  
16 beehives there for some of the church kids, so they could work the beehives. She said that then she  
17 determined how many beehives were already around that neighborhood and decided not to put any  
18 beehives in that location.

19  
20 Mr. Wood asked Mr. Hall if each rural residential area out there had a homeowners association.

21  
22 Mr. Hall said that not all of them had them at one time, and those that have them, the homeowners  
23 associations can only last a 20-year stretch, and they are hardly ever renewed. He said that Edgewood  
24 Subdivision is a very active homeowners association, probably the most active they have in their  
25 jurisdiction, but it is quite variable.

26  
27 Mr. Wood said that dealing with an issue like this, there could be restrictions placed by the homeowners  
28 association.

29  
30 Mr. Hall said that there is a good bet that the homeowners associations already prohibit agriculture, but  
31 the problem with homeowners associations is that if you don't enforce that from day one, then they can't  
32 start enforcing it later on.

33  
34 Ms. Deem said that she does think that putting an ordinance into effect is not going to change anything in  
35 the current neighborhood, because the beehives have already been moved out. She said that in her mind,  
36 the problem has already been dealt with there.

37  
38 Mr. Elwell asked if it is in the best interest of the beekeeper to mind the bees and make sure that they are  
39 out of sight, out of mind, etc.

40  
41 Ms. Deem said yes, that it is normally in the beekeeper's best interest. She said that different beekeepers  
42 differ on what they do, and some of them take better care of their bees than others, and the beekeepers in  
43 the local club try to do a very good job at taking care of their bees.

44  
45 Mr. Elwell asked how many clubs there are in town.

46  
47 Ms. Deem said that there is a student club; she thinks that there are three.

48  
49 Mr. Elwell asked Mr. Hall if they could make beekeepers be associated with some sort of local club here

1 in town or something to that effect.

2

3 Mr. Hall asked, and have the beekeeper do what.

4

5 Mr. Elwell said to make them beekeepers be associated.

6

7 Mr. Hall asked associated with what, and what is he asking to do with the beekeepers. He asked him if he  
8 was asking the beekeepers to enforce regulations that the County adopts.

9

10 Mr. Elwell said no, but he is a real estate agent by trade, so he abides by ethics and stuff like that from  
11 Realtors, because not every real estate agent is a Realtor. He said that is where his mind goes, is there any  
12 type of standard practice or anything like that.

13

14 Mr. Roberts referred to Attachment C, Supplemental Memo #3, the Illinois Beekeepers Best Management  
15 Practices from the Illinois State Beekeepers Association. He said that most beekeepers belong to that from  
16 what he is reading currently, and it lays out what a good beekeeper has to do to take care of their bees.

17

18 Mr. Wood asked if he was suggesting that the beekeepers are self-governing to some extent.

19

20 Mr. Elwell said yes.

21

22 Mr. Wood said that he thinks Mr. Elwell was alluding to the Illinois State Beekeepers Association and the  
23 beekeepers themselves being self-governing to some extent; in other words, managing any issues that  
24 come up as opposed to having a County zoning regulation.

25

26 Ms. Lee said that there was an individual who testified to that position in one of their previous public  
27 hearing meetings, where he testified that the beekeepers could govern themselves.

28

29 Ms. Deem said that the beekeepers belong to local clubs, ISBA, or the state group. She said that even in  
30 this case there was self-governance, so the beehives that were talked about earlier were moved a long time  
31 ago.

32

33 Mr. Hall said that those beehives weren't moved due to suggestions from other beekeepers in the local  
34 beekeeper club. He said that they were moved because of strong arm tactics by the Department of  
35 Agriculture.

36

37 Ms. Deem said that she did not consider it strong arm tactics, because it was conversations and phone  
38 calls. She said that she is thinking of the individual that he is talking about, and strong arming is not a  
39 term that comes to mind when she has interacted with their local representative for the apiary inspectors.  
40 She said that the inspector had conversations and discussed concerns, and then the beehives were moved,  
41 so she thinks this is a good thing and the way it should have gone, and it is the way it did go. She said that  
42 they are meeting here now to discuss possible future problems, not a current problem that they are dealing  
43 with. She said that she also questioned the number of beehives that everyone is banting about; there were  
44 not as many beehives that everyone said there were, that she is aware of. She said that she did not stroll  
45 through the yard and do a full head count though. She said that it is hard to tell if the equipment is empty  
46 or if it has active bees in it, because she would not call it a beehive if it doesn't have active bees in it.

47

48 Mr. Elwell said that he would love to be able to see some kind of source, for example, let's say it is for  
49 the Illinois Beekeeping Best Management Practices. He said for every beekeeper that wants to have a

1 beehive in R-1, R-2, R-3, and R-4, for the beekeeper to get a permit, they are agreeing to the beehive  
2 placement, the beehive management, the water source, the swarming, the robbing behavior, the disease  
3 control, and the aggressive colonies.

4  
5 Mr. Hall said how about the limit on the number of beehives that is missing from the Illinois Beekeeping  
6 Best Management Practices.

7  
8 Mr. Elwell said high placement.

9  
10 Mr. Hall said that there is no limit on the number of beehives.

11  
12 Mr. Elwell said that if a beekeeper had an unlimited number of beehives, then the beekeepers couldn't  
13 redirect the bees' flight pattern, could they.

14  
15 Mr. Hall said that the beekeeper could put a six-foot fence around the yard and then pack as many beehives  
16 in that yard as a beekeeper could get, and the flyway barrier is fine.

17  
18 Mr. Elwell said that he agrees with him, because he does not think they need to have ten percent of the lot  
19 to be covered with beehives. He said that for him personally, he is not fluent enough in bees to say that  
20 three beehives are okay, but four beehives are not.

21  
22 Mr. Hall said that the Board has only had one beekeeper testify in this public hearing that had more than  
23 four beehives on an urban lot, and that was a master beekeeper, who he believes had six or eight beehives  
24 on a lot in Urbana. He said that it is the only time that any beekeeper has testified that they had more than  
25 four beehives on a lot; well, Mr. Bryan Miller said that he had five beehives, or he would like to have five  
26 beehives.

27  
28 Mr. Elwell asked the Board if there were any other questions for this witness. Seeing none, he told Ms.  
29 Deem that he really wanted to thank her for her time this evening and her expertise in her love for the  
30 bees. He asked Mr. Bryan Miller to testify, and to please state his full name and address.

31  
32 Mr. Bryan Miller stated that he lives at 911 West White Street in Champaign, Illinois. He asked Mr. Hall  
33 where Joan and Jason Thompson live in relation to his property.

34  
35 Mr. Hall said that they live on his block.

36  
37 Mr. Miller said across the street possibly.

38  
39 Mr. Hall said yes.

40  
41 Mr. Miller said that for the last eight years they have had four beehives in their back yard by the alley and  
42 he has never noticed them.

43  
44 Mr. Hall said no, he is right, and he has noticed those beehives before.

45  
46 Mr. Miller said that earlier he said that he hadn't noticed them.

47  
48 Mr. Hall said that he knows that is what he said, but he is telling him now that he had noticed those  
49 beehives.

1 Mr. Miller said that is convenient.

2

3 Mr. Hall said that it is the truth.

4

5 Mr. Miller said that he had forgot it 15 minutes ago.

6

7 Mr. Hall said that he didn't know that they had four beehives, he thought it was only two.

8

9 Mr. Miller said that it varies. He said that he had worked on the Illinois Beekeeping Best Management  
10 Practices with the Illinois State Beekeepers Association several years ago. He said that it is on file with  
11 the Department of Agriculture and has been for a very long time. He said that Mr. Hall was throwing out  
12 the number that Ms. Rena Wilson-Jones had 45 beehives; it is changing every public hearing meeting they  
13 show up for. He said that he doesn't think that Mr. Hall has ever talked to Ms. Wilson-Jones to ask her  
14 how many beehives she had, but the fact is, the State bee inspectors had called her and asked her to move  
15 the beehives. He said that there was no strong arming because she complied, and Mr. Barney Bryson and  
16 his neighbors had agreed that when the beehives were moved, the problem was solved. He said that was  
17 two years ago; why are they still here, and like it had been stated before, they are creating a law for  
18 something that is not a problem. He said that even Mr. Hall said earlier this evening, that with one phone  
19 call and one instance this had been, this is not an ongoing problem. He said that he has beehives around  
20 300 to 400 yards from this meeting room, and they are located on John and Krista Burge's property, and  
21 he has seven beehives there. He told them to walk up and knock on their door and ask them if they could  
22 go and look at them. He said that there is no problem, their kids run their go-karts around the yard, they  
23 play in the hot tub, and not one issue this whole summer.

24

25 Mr. Elwell asked if there were any questions from the Board.

26

27 Mr. Wood asked if they could have a recess.

28

29 **Mr. Wood moved, seconded by Ms. Lee, for a five-minute recess until 8:21p.m. The motion carried**  
30 **by voice vote.**

31

32 The meeting continued at 8:21p.m.

33

34 Mr. Elwell asked for Mr. Steve Halfar to testify, and asked him to please state his full name and address.

35

36 Mr. Steve Halfar stated that he lives at 3204 South First Street in Champaign, Illinois. He referred to page  
37 seven of 39 in Attachment H, Supplemental Memo #3. He said that in item five, it states a little bit about  
38 him saying, "that keeping bees is labor intensive, and there are a lot of hurdles and difficulties in keeping  
39 bees. This ordinance would make it more difficult for beekeepers and would discourage people from  
40 keeping bees. He encourages the committee to vote no." He said that he has been to all three of these  
41 public hearing meetings and nothing that he has seen during these meetings has changed his opinion from  
42 the previous statement. He said that he thinks the problem was dealt with quite well, the State inspector  
43 came out and talked with Ms. Wilson-Jones, and the problem was solved. He said that bees are wild  
44 creatures, and they are going to do what the bees want to do. He said that trying to artificially limit the  
45 number of beehives on one given lot is not going to solve the problem; the bees are going to do what they  
46 do. He said that trying to codify every aspect of beekeeping in an ordinance seems unnecessarily complex  
47 and will create a lot of work for the County, as well as limiting what can be done. He said that he thinks  
48 that the more informal method by which this problem was dealt with took care of the problem pretty well.  
49 He said that the ordinance wouldn't add anything to that, and he thinks a lot of good points have been

1 made, and he doesn't really have a whole lot to add beyond that.

2  
3 Mr. Elwell asked if there were any question from the Board.

4  
5 Ms. Lee said that she didn't hear what page or attachment that he quoted from.

6  
7 Mr. Halfar said that it was page seven of 39 in Attachment H, Supplemental Memo #3.

8  
9 Ms. Lee asked where on page seven.

10  
11 Mr. Halfar said item number five.

12  
13 Ms. Lee said thank you.

14  
15 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he thanked Mr.  
16 Halfar. He asked Mr. Bill Studley to testify, and asked him to state his full name and address.

17  
18 Mr. Bill Studley stated that he lives at 1417 Caro Court in Mahomet, Illinois. He said that Mr. Hall was  
19 in charge of coming up with suggestions for an ordinance and he has obviously spent a lot of hours on  
20 this. He said that he thinks they have all learned a lot about bees and the way the government functions.  
21 He said that he would like to encapsulate when Mr. Elwell asked about being happy with the ordinance,  
22 and he would like to quote something that Abe Lincoln had said when he made an argument when he was  
23 on the circuit, and he told a story about a farmer who wanted his daughter to run an errand and she wasn't  
24 available. He said that he sent the younger son out to look for his daughter, and his son came back and  
25 said that his daughter was out in the barn. He said that the son told his father that his daughter must have  
26 had to pee, because she didn't have any clothes on, then the son added that the neighbor boy from down  
27 the road was there too, and he must have had to pee too, because he didn't have any clothes on either. He  
28 said that the dispute with Mr. Bryson, and he thinks he was legitimate, and that his facts were correct, just  
29 like the little boy's in the quote. He said that the conclusion that they need a countywide ordinance based  
30 on a single dispute that has come before this governmental body, and the 188 years Champaign County  
31 has been in existence doesn't make a lot of sense to him, because the dispute seems to have been resolved.  
32 He said he thinks that earlier one of the Board members said they have a solution in search of a problem.  
33 He said that he thinks that is where they are, and he would be happy to answer any questions.

34  
35 Mr. Elwell asked if there were any questions from the Board. Seeing none, he asked Mr. Barney Bryson  
36 to testify, and asked him to state his full name and address.

37  
38 Mr. Barney Bryson stated he lives at 2102 Barnes Street in Urbana, Illinois. He said that it is the residential  
39 area in question on this issue. He said that there are a couple things that he would like to point out, because  
40 they would not be here if this issue did not continue to happen. He said that this started around eight years  
41 ago when they had come in and worked with Mr. Hall in the beginning, and Ms. Wilson-Jones had told  
42 them that if there were any issues to contact her. He said that they contacted her, and she told them what  
43 cologne to wear or not wear, and what lotions not to wear.

44  
45 Mr. Elwell said that this has been in previous testimony.

46  
47 Mr. Bryson said that is correct, but the previous testimonies in tonight's public hearing have said that this  
48 issue is over, and this issue is not over. He said that he talked with Mr. Hall and he said that there was not  
49 much that he could do, because he was not aware that he could impose any kind of zoning regulations in

1 the county on agriculture elements. He said that he called the Illinois State Agriculture Director and asked  
2 him, and he said no, because in a residential area, it is just like a municipality. He told him that when the  
3 county crosses over into an agricultural area, then that is where they get a little cross threaded and that is  
4 when they have problems, but in a residential area, no, because the County can impose zoning regulations  
5 in a residential area. He said that the director asked him what his problem was, and he told him about his  
6 problems with the bees, and 196 bees in six hours in his pool in one day, not to mention everybody else's  
7 issues with the bees. He told him that he would have his inspector go out to the property and look at it,  
8 and he would let him know what he finds out, and what they saw from above was 27 beehives. He said  
9 that it was reported to him by the Department of Agriculture Apiarist that there were 54 beehives; they  
10 can call the apiarist and ask him how he defines what a beehive is. He said that was the report directly  
11 from the apiarist and the inspector, and they told him that the beekeeper was told to remove the beehives.  
12 He said that it would take 30 to 40 days before they would see any kind of relief from the bees. He said  
13 that later on that year, and it was a very nice year, and he lived there 20 years before he had this bee  
14 problem, and he had this pool for 20 years and never had these problems, but when the bees started being  
15 kept in excessive numbers, that is when the bee problem started.

16  
17 He said that he thinks that is part of the question this evening; sustainability on how a beekeeper can  
18 sustain a certain number of bees, and being a responsible and proper apiarist. He said that he has heard a  
19 lot of responsible beekeepers in the audience that have given testimony. He said that as soon as the heat  
20 was off, the bees came back, and that is exactly what is going to happen if this ordinance does not pass.  
21 He said that those bees will come back, because there is nothing that they can do about it. He said that it  
22 is just like drunk drivers, they can drink if they can drive, but if someone starts killing people, now they  
23 are going to have to pass a law. He said that this is right where they are; every rule or policy that has ever  
24 been placed is because somebody took advantage of the goodness of other people, and that is exactly why  
25 they are all sitting here tonight. He said that as far as other testimonies from the Champaign County Farm  
26 Bureau, he can tell them that their neighborhood covenants state that there are to be no agricultural uses  
27 in the community. He said that they may be over 20 years old, but he got the covenants when he moved  
28 into his neighborhood, and he thinks that Ms. Wilson-Jones might have built their house about four years  
29 after him, so he is sure she was handed the same covenants. He said that the other issue was that the State  
30 apiarist stated that the County has the right to create zoning regulations in residential areas, and that is  
31 wrong. He said that one thing that they might be interested in is that his one deceased neighbor, Mr.  
32 Kenneth Mills, had to lower the cost of his house by \$30,000 so that he could sell his property, because  
33 on the little squawk sheets that the owners/real estate agents have when they are trying to sell a property  
34 based on what the interested buyer liked and didn't like about the property, some of Mr. Mill's answers  
35 from those squawk sheets were just bees, too many bees. He said that Mr. Mills was not well, and in order  
36 for him to sell his house, he had to cut the price by \$30,000, and that is going to cut into their back pockets  
37 one of these days too if this keeps up.

38  
39 He said that as far as the testimony tonight from Mr. Studley, he has an available and considerably less  
40 restrictive solution to his complaint of his modification to the subdivision covenants. He said that he just  
41 addressed that, he knows that is redundant, but somewhere and somehow, people are not comprehending  
42 what the people of this community and this Board are discussing. He said that time and time again, they  
43 have made this comment, and time and time again, some people either don't hear it, don't comprehend it,  
44 or don't want to recognize it, and that is unfortunate. He said that he recognizes the fact that the beekeepers  
45 have the right to keep bees somewhere, and he does not want to see the bees gone, because he has had  
46 bees around there before, and he does not want to hurt the beekeepers' ability to have their hobby. He said  
47 for crying out loud, when they allow a beekeeper to have 47 double-stacked beehives, there were 27  
48 beehives, but they were double stacked, that is when the State apiarist gave him that number. He said with  
49 a simple FOIA request to the State apiarist, someone can find out how many beehives are registered to

1 Ms. Wilson-Jones, and where the beehives are located, but only the county, not the particular areas. He  
2 said that the other situation about those beehives being moved across a property line, and the truth was  
3 embellished in the last public hearing meeting by Ms. Wilson-Jones, when she told the Board that her bees  
4 were gone. He said that Ms. Wilson-Jones's beehives were moved across the property line, that is where  
5 the beehives went. He said that it is not in the county, because it is in the city limits of Urbana. He said  
6 that the Board should have pictures of that, because one of the neighbors went over there and took pictures  
7 and sent them to the Board, so she was telling the Board the truth, but she was not going to tell the Board  
8 the whole truth, and that is a problem.

9  
10 He said that the State does not zone or require any beekeeper to have a maximum allowed number of  
11 beehives, because they only cover the health, transportation, and registering of the bees. He said that they  
12 have nothing to do with the residential areas for beekeeping or counting the number of beehives. He said  
13 that no, this does not double up on what the State does; for example, it is like the interstate verses the  
14 highway, and the United States covers the interstate, and the County doesn't, but on our county roads, the  
15 County covers those roads. He said to imagine an upside-down birthday cake, so that is how it goes, the  
16 federal government, and then it is fine-tuned down into the county government. He said that Mr. Charles  
17 Glass that lives across from Brownfield Road in a different neighborhood was having problems with bees;  
18 he is not here this evening, because his family had to go up to Chicago, but he is the other person that  
19 wrote this letter to the Board. He said that they were having a bee problem as well, and he was here for  
20 the other two public hearings, but was not able to speak because the meetings ran on for quite a long time.  
21 He said that Mr. Glass had mentioned that he didn't even know that he was allowed to complain about  
22 these bees, or who to even talk to, but now he knows. He said that common sense should tell a person not  
23 to drink or drive, and common sense should tell proper beekeepers not to overload their property with  
24 beehives to an unsustainable amount for the bees. He said that with all due respect, he has to stop at the  
25 chicken wire, because the bees will fly right through chicken wire. He said that he will tell the Board how  
26 he knows that, because he has been working on an oil transformer in two phases, like little electric  
27 flyswatters, by running a stretch of fence with 8,000 DC volts on one side of chicken wire and one on the  
28 other side, so when the bees fly through their fly pattern down from Ms. Wilson-Jones house, the bees  
29 will run into that. He said that he hasn't done it, because someone will get hurt if he does something like  
30 that, but that thought was in his head, and when they said chicken wire, he had to smile at that.

31  
32 He said that he has put a surfactant in his pool this year; he hasn't been in his pool for the last three years,  
33 and he retired hoping to enjoy his property that he has worked on, but he cannot. He said that this surfactant  
34 in his pool breaks down the molecular structure of water and allows bugs, bees, and most things that don't  
35 float to sink to the bottom of the pool. He said that now he takes care of the bees chemically, and  
36 it doesn't bother people, because it is just like a soap almost, but it is not the kind of structure that will  
37 cause things to foam up; try to imagine WD-40 in oil. He said that if people don't want to take care of it  
38 themselves, then he will do the best he can with what he has. He said that the Board's packets are showing  
39 them more than an able conversation with Mr. Mills, and he gave them copies from his flip phone of a  
40 conversation with him; and he knows it was suggested at the last public hearing that he may have  
41 manipulated the letter the Board and Staff received. He said that he finds that very offensive along with  
42 the embellishment of the truth from some.

43  
44 He said that the ordinance is necessary to minimize the nuisance bees create making their properties unable  
45 to enjoy, and all the Board needs to do is look up the definition of a nuisance, and read or reread the legal  
46 opinion from the Illinois Municipal League on the nuisance, and the definition of a nuisance. He said that  
47 they cannot enjoy their property as it stands, but this year has been a little better, and he is not complaining.  
48 He said that he killed six bees on the back of a chair the other day, but not all at the same time and it was  
49 never like that before. He said they would have few bees here and there, and a few Bumble Bees that

1 would come by, but they don't bother people. He said that the State apiarist, not the inspector, had  
2 explained to him how someone could tell if it was an aggressive bee or beehive from ones that were not  
3 aggressive. He said that if you walk by that beehive and the bees come out of the beehive, that is an  
4 indication of aggressiveness. He said that if a bee flies around someone and in front of a person's face,  
5 almost like a figure eight back and forth, that is an indication of aggressiveness. He said that State apiarist  
6 had told Ms. Wilson-Jones to move all her beehives, whether it is true or not. He said that the Board might  
7 find this interesting about a flyway study from the Minnesota University Apiarist, which showed that bees  
8 will fly in a field and not in a particular area, but let's say in a meadow. He said that the bees will fly  
9 against the wind when they leave the beehive, and as the bees load up with their pollen and nectar, the  
10 bees will be able to ride with the wind returning back to the beehive. He said that the bees are not dumb,  
11 and they are doing the best that they can do, but the problem is, if someone allows somebody to continue  
12 with that kind of behavior, just because they can, then it might not be them at this public hearing tonight,  
13 it might be somebody else. He said that he wishes that the Board would go look up nuisance and  
14 understand what that means, because noise and sound is a nuisance, but when it comes to invading  
15 somebody's property with harm, the elimination of having guests over, and damages, that falls in  
16 alignment with that as well. He said that he really wishes the Board would accept this within reasonable  
17 parameters, but the number of beehives and the arrogance of beekeeping cannot stand. He said thank you  
18 and he would be glad to answer any questions that the Board might have.

19

20 Mr. Elwell asked if there were any questions from the Board.

21

22 Mr. Anderson asked if Mr. Bryson had anything in his yard that attracts bees.

23

24 Mr. Bryson said yes, he has a swimming pool and a dog bowl with water in it.

25

26 Mr. Anderson asked him if he had any flowers.

27

28 Mr. Bryson said that they do have flowers, tomato plants, and cannas.

29

30 Mr. Wood said is it his understanding that there is still a bee issue there.

31

32 Mr. Bryson said that the bee issue is not as bad as it was, but there are several more bees than what there  
33 was before the beekeeping started. He said that at the peak of the bee obsession, it was not near that bad,  
34 and then it was kind of quiet, but then it came back again. He said that is when he aggressively started  
35 seeking Mr. Hall and his neighborhood, because he didn't think it was necessary to have a thousand people  
36 calling his office screaming and yelling about it. He said that he thought this was the logical way and that  
37 they could get this taken care of, but at the point in time when somebody made a statement that it was one  
38 neighbor against the other one, and that is not the truth. He said that it is their neighborhood, so he went  
39 around and got the petitions mostly from the people that would stop as they walked around the circle and  
40 would get their signatures as they talked to him. He said that it was when Mr. Glass had heard that he was  
41 doing that from the neighborhood over from his and that is when he went over, and three of his neighbors  
42 that live behind him had issues with bees too.

43

44 Mr. Wood said so is it his understanding that a number of beehives were moved across the property line,  
45 or are they still there.

46

47 Mr. Bryson said that he doesn't know; the numbers that he goes by are things that are in print, because he  
48 could come and tell the Board yes, but that doesn't mean it is. He said that his neighbor guy took pictures  
49 of the beehives, but he isn't here, because they are on their 60<sup>th</sup> wedding anniversary down south.

1 Mr. Wood asked him if there were any beehives there at all.  
2  
3 Mr. Bryson said yes, there is hearsay that says the beehives are there.  
4  
5 Mr. Wood said okay.  
6  
7 Mr. Bryson said yes, that hearsay says there are beehives there, but that is hearsay, he did not see the  
8 beehives for himself.  
9  
10 Ms. Lee asked him if according to what the hearsay says, where the beehives are exactly located.  
11  
12 Mr. Bryson said that they are across Ms. Wilson-Jones's property line in a hedgerow.  
13  
14 Mr. Wood told Ms. Lee that he thinks that property is on the north edge of the rural residential area.  
15  
16 Mr. Bryson said that is correct.  
17  
18 Mr. Wood said that north of that, which they originally thought was agricultural zoned, he believes it has  
19 been rezoned by the City of Urbana and is now part of Urbana.  
20  
21 Mr. Bryson said that is correct, it is a part of Mr. Don Flessner's development out there.  
22  
23 Mr. Wood asked him how it was rezoned by the City of Urbana.  
24  
25 Mr. Hall said that the property was annexed.  
26  
27 Mr. Wood said that it was annexed, but what is the zoning district.  
28  
29 Mr. Hall said that it is a residential district. He asked Ms. Burgstrom if she remembered the zoning district  
30 was.  
31  
32 Ms. Burgstrom said R-2.  
33  
34 Mr. Wood said that some of the beehives were moved across the property line and out of the rural  
35 residential area, so the beehives wouldn't be impacted by this ordinance if the Board was to create it.  
36 Mr. Elwell asked Mr. Bryson if he was happy with the proposed changes to the amendment.  
37  
38 Mr. Bryson said that he is going to be quite honest with him, the Board is going to do what they want to  
39 do. He said the bees are going to fly right through that chicken wire, and the point is to get the bees to fly  
40 up and over the flyway barrier.  
41  
42 Mr. Elwell asked Mr. Hall if he could tell them the reasoning behind the fencing, is it for the flyway barrier  
43 or is it for some other reason.  
44  
45 Mr. Hall said that the flyway barrier is to protect small children and pets that may run loose; they are not  
46 supposed to be running loose, but they all know that pets run loose. He said that he knows that bees can  
47 fly through chicken wire, and chicken wire is not an acceptable material to use for a flyway barrier. He  
48 said that he thinks there was some confusion there.  
49

1 Mr. Bryson said okay, he understands now, so it is to protect people and keep people out, he gets it now.  
2  
3 Mr. Elwell asked him if he was happy with the changes, would this amendment make him sleep better at  
4 night.  
5  
6 Mr. Bryson said that if the bees continue, it will just give him more things to ponder on how to eliminate  
7 them when the bees are in his yard. He said that he is not going to go searching for the bees, but when the  
8 bees are in his yard, he is going to eliminate them. He said that he is not going to stop any beekeepers  
9 from raising their bees, but take care of their bees, because he takes care of his dog and he turns his music  
10 down. He said that he doesn't stir the cesspool when somebody is having a barbeque, so take care of their  
11 bees, and he won't have a problem, but if the beekeepers' bees come over on his property, then the bees  
12 might not make it back to their beehive.  
13  
14 Mr. Elwell asked Mr. Bryson if he is not satisfied with the changes to the amendment.  
15  
16 Mr. Bryson said that he is satisfied with the changes.  
17  
18 Mr. Elwell said that Mr. Bryson had mentioned earlier in his testimony that he had a homeowners  
19 association.  
20  
21 Mr. Bryson said no, there was a neighborhood covenant drawn up by the developer of the subdivision, but  
22 it wasn't a homeowners association. He said that if they had a homeowners association, then they would  
23 be in court right now.  
24  
25 Mr. Elwell said that the covenants follow the parcel number, so who enforces those covenants.  
26  
27 Mr. Hall said that he thinks they can be enforced privately, but he doesn't know how successful that would be.  
28 He said it is an agreement that the homeowner enters into when they buy the property, but they don't do  
29 a whole lot.  
30  
31 Ms. Lee said that she can give them a real-life example of one time when she owned and lived at a  
32 residence in Mahomet where it had covenants, and she had a neighbor who owned the lot directly west of  
33 her property. She said that they made a drainage basin where they had the water landlocked, so that the  
34 water stayed there. She said that was against the covenants, and she sued to have that removed. She said  
35 that they diverted water from one side of the hill to the other, so at one point, she had her entire house  
36 surrounded by water, and the driveway became impassable. She said that she brought suit to have that  
37 removed so it wouldn't keep flooding her property, because it eroded the whole thing. She said that there  
38 was language in the covenants that said they were not allowed to have that. She said that they would have  
39 to bring suit to make that work.  
40  
41 Mr. Elwell asked Mr. Hall that if there was not a homeowners association, then what would stop them  
42 from creating a homeowners association if there are already covenants there.  
43  
44 Mr. Hall said that he does not know, he cannot answer that.  
45  
46 Mr. Elwell asked Mr. Bryson if he knew.  
47  
48 Mr. Bryson said no.  
49

1 Mr. Elwell asked if there had ever been any talk of creating a homeowners association.

2  
3 Mr. Bryson said no, none of the people that have come to these public hearings to testify to the Board, but  
4 he thinks that some of the other neighbors are satisfied with taking care of it themselves. He said that is  
5 what he is trying to avoid by working with the Board. He said he is not sure, but isn't it illegal to alter the  
6 terrain of a property to cause adverse effects on other properties, another story, another day. He said that  
7 is what the Zoning Department is for, to eliminate that and to give them a little more backbone for  
8 beekeeping.

9  
10 Mr. Elwell asked if there were any other questions from the Board. Seeing none, he asked for Ms. Joan  
11 Mathis to testify, and to state her full name and address.

12  
13 Ms. Joan Mathis stated that she lives at 2004 Burwell Street in Urbana, Illinois. She said that the first thing  
14 she wanted to mention was she noticed that it said in the letter from the Champaign County Farm Bureau  
15 plain and simple, that beekeeping is an agriculture enterprise. She said why is it allowed in residential if  
16 it is agricultural, because she doesn't know. She said that if there had been an ordinance a few years ago  
17 when the bees were really excessive, it would have never come to this and they would have had something,  
18 because their hands were tied, and she and her husband were never asked if it was okay to have bees or  
19 any of the changes. She said that she has heard from a lot of beekeepers that have made testimony in these  
20 public hearings say that they asked their neighbors beforehand, and that never happened with her. She  
21 said that she is tired of the whole thing and she knows the Board is too, and she wants to thank them for  
22 their patience and how they have worked with this amendment. She said that everyone is saying that the  
23 bee problem is better and has been solved, but it is not solved if there are still no regulations, and it still  
24 can happen again, whether it's in their neighborhood or somewhere else. She said that she doesn't have  
25 any way to stop it, and she had no idea that it was that excessive until it was affecting their property, but  
26 she doesn't like this in their neighborhood, because they were all friends. She said that the bees became a  
27 problem and caused the division, and there was another person that was here at the first public hearing  
28 that spoke, but she said that it upset her so bad that she couldn't come back to the public hearings. She  
29 said that they don't like this, and they are peaceful in their neighborhood, but they don't know what to do.  
30 She said that yes, the bees are better, and they agreed to that, but she believes that Ms. Wilson-Jones did  
31 testify that she had moved the beehives into the hedgerow at the last public hearing, so that is just on the  
32 other side of her property line, which doesn't help them that much. She said that she thinks there needs to  
33 be at least a restriction to four beehives on a lot; that would have to be helpful. She said that it is in the  
34 Board's hands and she is sorry that they have to deal with it, and she wishes they could have had this  
35 amendment from the very beginning, because they don't like this.

36  
37 Mr. Elwell asked if there were any questions from the Board.

38  
39 Mr. Elwell asked her if the amended ordinance they have discussed today would please her.

40  
41 Ms. Mathis said that she is definitely pleased with the lower number of beehives, but she is not quite sure  
42 she understood every bit of what the Board and Staff were saying; in fact, it is hard to hear in the back of  
43 the meeting room when the Board is talking. She said that unfortunately, she only has one hearing aid that  
44 has been sent off and that doesn't help her either, but anyhow, she would at least like to see a limit on the  
45 number of beehives. She said that her opinion is if beekeeping is an agricultural enterprise, then why are  
46 they even allowing beekeeping in the residential areas.

47  
48 Mr. Elwell asked Mr. Hall if he would be able to answer that.

1 Ms. Mathis referred to the last sentence of the second paragraph, in the letter received from the Champaign  
2 County Farm Bureau on October 14, 2021.

3  
4 Mr. Hall said that it is a County Zoning Ordinance, so agriculture is allowed everywhere. He said that  
5 traditionally they don't limit agriculture, and that is why they had to check with the State's Attorney's  
6 Office when Mr. Bryson had asked them to adopt something like this. He said that his first question to the  
7 State's Attorney's Office was if they could do this, and the State's Attorney's Office was confident that  
8 they could in the Residential Zoning Districts, so that is the reason.

9  
10 Ms. Mathis said that all the neighbors assumed that because they lived in residential, they wouldn't have  
11 to deal with something like that.

12  
13 Mr. Elwell asked for Ms. Rachel Coventry to testify, and asked her to state her full name and address.

14  
15 Ms. Rachel Coventry stated that she lives at 2501 Berniece Drive in Champaign, Illinois. She said that  
16 unfortunately she was unable to attend at the last public hearing, so while she did submit her statement,  
17 she was not able to find an answer to the questions that she had presented to the Board. She said that she  
18 would like to ask them now and then add a few extra comments. She said that in regard to the homeowners  
19 association covenants or the fact that they don't have a HOA, it sounded like if they were to form an HOA,  
20 then they could enforce a regulation of this kind, because his statement was if they had an HOA in effect  
21 at the beginning that didn't enforce beekeeping, then they couldn't start enforcing it. She asked Mr. Hall  
22 if that was correct.

23  
24 Mr. Hall said that the HOA might be able to amend the covenants to add new things, but he really doesn't  
25 know. He said that he believes the situation, as Mr. Bryson had suggested, is getting a group of people to  
26 agree and burden themselves with new requirements is very difficult, but he doesn't know if they could  
27 or not.

28  
29 Ms. Coventry asked if a complaint is received by Staff, and the beekeeper that is nearest to the source of  
30 the complaint is found not to be in violation, then what happens. She said that it sounds like the  
31 enforcement of this ordinance would create a tremendous headache for Champaign County Zoning, and  
32 what level of County resources do they plan to allocate in order to determine where the offending bees  
33 come from. She said, as previously stated, if there is nothing that is yet amiss, then Staff are back to square  
34 one. She said that it sounded like the beehives have been moved, and from what Mr. Bryson had said, the  
35 bee problem has pretty much gone away, and yet they still want this to be taken care of. She said that  
36 where the beehives are placed now, according to hearsay, the bees are not causing any problems, so she  
37 is not quite sure how this amendment would prevent this problem in the future if the beehives are allowed  
38 to remain as they are or if Ms. Wilson-Jones brings the beehives back onto her property.

39  
40 Mr. Hall said that the point that the residents keep making is that they would like to see the County put  
41 rules in place, so if this happens again, there would be one place that they could go to with the adopted  
42 rules that limit the number of beehives, it's as simple as that.

43  
44 Ms. Coventry said that she understands that, but it sounds like if they were having a problem and there  
45 was no violation, then what is the next step.

46  
47 Mr. Hall said no, she is right, if the residents are being bothered by bees that are being kept in conformance  
48 with these regulations, then that is not a problem as far as the County is concerned. He said that it is a  
49 problem for them, but it is not a problem as far as the County, because the County is in effect saying that

1 they can put a certain number of beehives on every residential lot. He said that as long as the beekeepers  
2 conform to those standards, then it is not a problem.

3  
4 Ms. Coventry said correct.

5  
6 Mr. Hall said that at least it's not a nuisance, it is an accepted part of the beehives being there.

7  
8 Mr. Coventry said correct.

9  
10 Ms. Lee asked Mr. Hall if he is saying that where the beehives have been moved across the street to this  
11 other property, that it has been annexed into the City of Urbana and doesn't have any restrictions on  
12 beekeeping. She said that the Board would not be controlling that situation at all, because it would be in  
13 the City of Urbana and they are not controlling that, so they wouldn't have any jurisdiction over that.

14  
15 Mr. Hall said yes, the County has no jurisdiction over bees kept in the City of Urbana. He said what the  
16 County would have is jurisdiction over any future lot on which there is more than the number of beehives  
17 that are allowed; that is the only goal of this.

18  
19 Ms. Lee said that the neighbors told them that Ms. Wilson-Jones moved her beehives across the street, but  
20 they don't realize that this ordinance isn't going to help them if that is the case, and the beehives are in  
21 the City of Urbana.

22  
23 Mr. Hall said that they know that, and he can guarantee them that Mr. Bryson understands that. He said  
24 that the beehives are not across the street, they are across a rear lot line in a fence row.

25  
26 Ms. Coventry said that the Board asked at the first public hearing on July 2021 for a solution outside of  
27 an ordinance, and it sounds like Ms. Deem with the U of I Pollinarium regularly helps with these kinds  
28 of issues. She said that the bee inspector insisted on the removal of the beehives from Ms. Wilson-Jones  
29 property that was in question. She said wouldn't it be wise to listen to the resources on their page, instead  
30 of establishing an ordinance to restrict an essential insect responsible for the pollination of essential crops  
31 and the production of honey. She said that she googled the Prairieview Subdivision in question, and via  
32 Google Maps, it appears that there five neighbors with pools in Mr. Bryson's neighborhood, and she is  
33 curious why they have not heard from a single other pool owner about bee complaints. She said that it  
34 seems like the problem is currently resolved, considering where the bees in question are located by  
35 hearsay. She said that she has looked up her neighborhood, because she keeps beehives very close to her  
36 own house and she is a pool owner of a large pool, and she does fish out plenty of insects and bees, but  
37 not near the crazy number of toads and frogs that she fishes out of her pool. She said that is kind of like  
38 Mr. Bryson's statement of drinking and driving, it is kind of like saying they think that it would be crazy  
39 to regulate the water features that people might have that would breed those toads and frogs. She said that  
40 she knows her next door neighbors have a water feature and there are a lot of tadpoles every year, so that  
41 is probably where they are coming from, but how does she know that getting rid of their water feature  
42 would prevent this frog and toad problem. She said that it is like going around in circles, so she will leave  
43 her statement there, but if the Board has any questions, she would be happy to answer them.

44  
45 Mr. Elwell asked if there were any questions from the Board or Staff.

46  
47 Mr. Elwell asked if anyone else from the audience would like to testify in this case tonight. Seeing no one,  
48 he asked for a motion to close the Witness Register for Case 014-AT-21.

49

1 **Mr. Randol moved, seconded by Mr. Roberts, to close the Witness Register for Case 014-AT-21.**  
2 **The motion carried by voice vote.**

3  
4 Mr. Elwell asked how the Board would like to proceed.

5  
6 Mr. Randol said that he would put this out for the other Board members to comment on: he thinks that the  
7 minimum beehives that they should do or could do, to try to pacify everyone, would be to limit the number  
8 of beehives on properties. He said not that he thinks it is going to make any difference, but to require the  
9 two water sources to be available to the bees when the temperatures reach 55 degrees or more for three  
10 consecutive days. He said that he based this on a lot that he owns that is about 7,200 square feet, and six  
11 beehives would be a little bit too much, but if they looked at a 10,000 square foot lot, he doesn't think six  
12 beehives would be a problem at all. He said that he would be happy with having a limit of six beehives on  
13 a 10,000 square foot lot and require the two sources of water. He said that he would be glad to talk with  
14 anybody else.

15  
16 Mr. Roberts asked if Mr. Randol would like to make that a motion.

17  
18 Mr. Randol said that he would make that a motion if there were no other comments with his proposal.

19  
20 Ms. Lee said that what she heard him saying is that he doesn't want all this other language in the  
21 amendment, all he wants are six beehives on a 10,000 square foot lot, and he wants two sources of water  
22 when it is over 55 degrees for three consecutive days, and that is it.

23  
24 Mr. Randol said that is correct, he personally doesn't think that all the other restrictions are going to have  
25 any effect on what takes place. He said that if the Board limits the number of beehives that can be on a lot  
26 and if the water sources are available, which seems to be a positive thought, he doesn't think that the  
27 beekeepers need all those other restrictions.

28  
29 Ms. Lee said that he wanted two sources of water, she asked why one source of water was not good  
30 enough.

31  
32 Mr. Randol said that the latest proposal for the ordinance required two water sources; he was trying to  
33 work a little bit to make everybody happy, if the beekeepers have two sources of water and limit the  
34 restrictions.

35  
36 Ms. Burgstrom said that she would like verification on those two things. She said that what she was hearing  
37 was that he was making a motion unless there were more comments and that there would be no more than  
38 six beehives on a 10,000 square foot lot. She asked if that was the understanding, that the beekeepers could  
39 also have six nucleus colony beehives in addition to that and one swarm, which is what the ordinance says  
40 in terms of an equal number of nucleus colony beehives to regular beehives.

41  
42 Mr. Randol said yes, on a 10,000 square foot lot.

43  
44 Ms. Burgstrom asked that for the water source, they said that there would be two water sources if the  
45 beekeeper had more than two beehives, and one water source if the beekeeper only had one beehive.

46  
47 Mr. Randol said that for the two water sources available, what was proposed said two water sources if the  
48 beekeeper had more than two beehives.

1 Ms. Burgstrom said right.

2

3 Mr. Randol said that if the beekeeper has two water sources available for their bees.

4

5 Ms. Burgstrom asked him even if there was one beehive. She is just trying to get clarification, so they  
6 make sure they are clear on what the motion is, if this becomes a motion.

7

8 Mr. Randol said that he was not looking to increase the water source for the number of beehives. He said  
9 that he took it if a beekeeper had one beehive, then they didn't need to provide a water source for their  
10 bees, but if the beekeeper had two beehives, then they need to provide two water sources. He asked Mr.  
11 Hall if he could explain how he came about that.

12

13 Mr. Hall said that good beekeeping practices are to make sure there is water available for each beehive  
14 and then they required two water sources if the beekeepers have more than two beehives, that was their  
15 thinking.

16

17 Mr. Randol said that is why he was not increasing the water sources, because the beekeepers could have  
18 a kiddie pool if they wanted to that was four foot in diameter, and even that amount should be ample, but  
19 if the Board wants two sources, then the beekeepers would need to have something else available, whether  
20 it is birdbaths or whatever has been discussed.

21

22 Mr. Hall said going back to Ms. Burgstrom's question, he asked him if his motion was that the beekeepers  
23 do not have to have a water source required if they only have one beehive.

24

25 Mr. Randol said that they have in the ordinance currently that two water sources are required in an apiary  
26 with more than two beehives. He said that if the beekeeper has more than two beehives, then the beekeeper  
27 needs two water sources. He said that in the ordinance it does not say that for every two beehives, the  
28 beekeeper has to have two water sources.

29

30 Mr. Elwell asked what happens if the beekeeper only has one beehive.

31

32 Mr. Randol said that it does not say.

33

34 Ms. Burgstrom said that the revision does say that if the beekeeper has no more than two beehives, then a  
35 beekeeper shall have a source of water continuously available to the bees.

36

37 Mr. Elwell said that with Mr. Randol's motion, if the beekeeper has more than two beehives, then the  
38 beekeeper needs to have two water sources available. He said to correct him if he was wrong, but if the  
39 beekeeper had one beehive, then they do not need any water source.

40

41 Mr. Randol referred to Attachment A, in Supplemental Memo #4 that was handed out for tonight's public  
42 hearing, and it does not say anything about one beehive. He said that two water sources are required in an  
43 apiary with more than two beehives, and this says the revised amendment, so that is what he is going off  
44 of. He said that if they want more water sources, he does not care, because he was saying water just to  
45 say water. He said that his concern is the number of beehives, so water sources are irrelevant to him.

46

47 Mr. Elwell said could they have it say to have at least one water source available, and if the beekeepers  
48 have multiple beehives up to whatever limit the Board decides, then the beekeepers would need two water  
49 sources available for the bees.

1 Mr. Randol said that if the Board wants one beehive and one water source, he doesn't care, but he thinks  
2 that two water sources, based on the revised amendment that they are looking at, is all that the beekeeper  
3 needs. He said that an individual beekeeper has to make a decision on their own; if the beekeeper wants  
4 to put out, for example, a kiddie pool that is four foot in diameter or ten bird baths, but be realistic about  
5 that, as long as the beekeeper has an ample amount of water available. He said that a kiddie pool that is  
6 four foot in diameter is going to be more than ten little birdbaths combined to provide water.  
7

8 Ms. Burgstrom said that as the person who created the drawing on Attachment A, in Supplemental Memo  
9 #4, that he was referring to, she can say that it is not perfect in terms of wording; that comes through  
10 starting on page 35 of 39, and she thinks that it is important for the Board to include the wording that is  
11 in the proposed revisions rather than the drawings. She said that way they are abundantly clear on what  
12 their motions are and what they are actually recommending to upcoming Boards.  
13

14 Mr. Randol asked how many sources they want for six or ten beehives.  
15

16 Ms. Burgstrom said that the revisions just say, that with no more than two beehives, the beekeeper has to  
17 have a water source, but if the beekeeper has more than two beehives, then they need two water sources.  
18 She asked the Board if they were okay with that.  
19

20 Mr. Randol said yes, that is what he was saying, if the beekeeper has two beehives, then they have to have  
21 two sources of water.  
22

23 Mr. Hall said that going back to the number of beehives, he asked Mr. Randol if he was thinking that six  
24 beehives were too many on a 7,200 square feet lot, but it was okay for a 10,000 square feet lot. He said  
25 that normally they try to use simple math to make this work out, but it sounded like in his mind that six  
26 beehives on a 10,000 square feet lot was okay, but at some point, he thought that six beehives were too  
27 many; he is just trying to identify where that break is.  
28

29 Mr. Randol said that he was looking at the fact that the one lot that he was making reference to was a  
30 7,200 square feet lot, and that six beehives on that would be too much, but adding another 3,000 square  
31 feet to that lot area, then a total of six beehives wouldn't be excessive.  
32

33 Mr. Elwell asked if he could have a motion to extend the meeting until 9:45p.m.  
34

35 **Mr. Wood moved, seconded by Mr. Roberts, to extend the meeting until 9:45p.m. The motion**  
36 **carried by voice vote.**  
37

38 Mr. Wood said that in addition to what Mr. Randol suggested, they have to consider larger lot sizes, and  
39 whether or not there is an upper limit restriction that should be placed there. He said that he does not know  
40 what the largest lot size is, but obviously there are lots out there that are larger than 10,000 square feet.  
41

42 Mr. Elwell asked why this was not settled with the HOA.  
43

44 Mr. Randol said that he doesn't think that there is any relevant connection between the Zoning Board and  
45 the HOA. He said that the Board doesn't control the HOA and they don't control the Board.  
46

47 Mr. Elwell said correct, but the HOA that says someone can't do this in their association, then the HOA  
48 can file suit or put a lien on that property. He said that if it is not complied by, then they can take the  
49 property back.

1 Mr. Randol said that has nothing to do with the Board setting up any type of ordinance.  
2  
3 Mr. Elwell said that he is saying that they might not need to have this conversation.  
4  
5 Mr. Randol said that it could take forever.  
6  
7 Mr. Elwell said that there is not a current problem, correct.  
8  
9 Mr. Randol said that the HOA as far as he is concerned is irrelevant. He said that they don't have one, and  
10 that is why the Board is dealing with it. He said that based on Mr. Elwell's comment, they don't have a  
11 HOA, so that is why the Board is dealing with this.  
12  
13 Mr. Elwell said that if they did have a HOA.  
14  
15 Mr. Randol said but they don't.  
16  
17 Mr. Elwell said that the Board wouldn't have to be here.  
18  
19 Mr. Randol said that is irrelevant, the Board needs to do something tonight.  
20  
21 Mr. Elwell said that if there is all of this upwelling that there is a huge problem, part of a HOA is to provide  
22 peace to the property, and the Board heard tonight that there is a loss of property value from the bees, and  
23 that is what HOAs do.  
24  
25 Mr. Randol asked him if he was suggesting that they go form a HOA.  
26  
27 Mr. Elwell said yes.  
28  
29 Mr. Randol said so that the Board doesn't have to deal with this. He said that they have already been here  
30 three nights at these public hearings for this amendment.  
31  
32 Mr. Elwell said no, what he recommends is that if they form a HOA, then this problem doesn't go  
33 countywide.  
34  
35 Mr. Randol said that the Board still has to deal with this issue tonight, unfortunately.  
36  
37 Mr. Elwell said that he understands that.  
38 Mr. Randol said that he doesn't care about the HOA, personally, that is his feeling. He said that the Board  
39 can sit here and argue, or discuss this all night long, but his opinion is not going change. He said that the  
40 HOA has nothing to do with what they are dealing with.  
41  
42 Ms. Lee said that there has been testimony that there were covenants.  
43  
44 Mr. Elwell said correct.  
45  
46 Ms. Lee said that they could act under the covenants.  
47  
48 Mr. Elwell said that he is not an attorney, but he does know is if there are covenants, those are by-laws,  
49 and when someone purchases a property, then the homeowner accepts that at the closing. He said that

1 there has to be some sort of enforcement of that or why would there even be covenants, so why would  
2 they not want to pursue that.

3  
4 Mr. Randol said that it is not them.

5  
6 Mr. Elwell said that is what he is saying, Mr. Randol, it is not them.

7  
8 Mr. Randol said that is not an issue for them to resolve tonight.

9  
10 Mr. Elwell said neither is this.

11  
12 Ms. Lee said that she agrees, she doesn't think that the ZBA is the body that should have to deal with this.  
13 She said that if they have covenants, then they have an avenue to do something. She said that this got  
14 dumped on the Board by ELUC, because they said that it was a disagreement between parties. She said  
15 that the Board has heard lots of evidence that supports that premise that they had, and they technically  
16 could do the same thing and say that they think this really started between two individuals. She said that  
17 they heard testimony tonight from Mr. Bryson that he went around the neighborhood to solicit people to  
18 come here and do that. She said that she really doesn't think that this needs to be a part of the zoning thing.

19  
20 Mr. Elwell said that this does not need to be adjudicated here.

21  
22 Mr. Hall said that the Board does need to make a recommendation in this zoning case, and they can  
23 recommend denial of the revised case, but they at least need to do that. He said that he demands this case  
24 to be decided; he is the petitioner, and he wants a decision. He said that it doesn't have to be tonight, but  
25 he wants a decision.

26  
27 Mr. Roberts said that he didn't catch the reason why.

28  
29 Mr. Hall said that he was tasked by the committee of the County Board that he reports to, to bring this to  
30 the Board and get a decision. He said that it is his job, that is what he is here for.

31  
32 Ms. Burgstrom said that the conversation that she has been hearing from the Board members in the last  
33 few minutes focused on that this appears to be a private and personal problem. She said that she thinks it  
34 is important to keep in mind that a Text Amendment is something that is not based on a private problem.  
35 She said that the Staff looks at the Special Use Permits and Variances through the Board for specific  
36 problems on a specific property or area, whereas a Text Amendment goes countywide. She said that she  
37 doesn't think it is fair to limit the decision making and limit how the Board is looking at things if they are  
38 looking at it on that microlevel, whether there is a need for an amendment for bees at the county level  
39 independent of an individual problem.

40  
41 Ms. Lee said that Mr. Hall told the Board that he did not have that many cases over the years where people  
42 have complained about bees. She asked Mr. Hall how long he had been in the Zoning Department.

43  
44 Mr. Hall said that he has been in the Zoning Department since 1990, and he has been the Zoning  
45 Administrator since 2006. He said that he has dealt with bees at the ELUC committee two or three times;  
46 it was all about this instance in the Prairieview Subdivision. He said that ELUC had originally decided  
47 that they did not want to deal with it, but then it came back to them. He said that is why ELUC has  
48 forwarded it to the Board, because they tried to ignore it, but it came back to them.

49

1 Ms. Lee said that this Prairieview Subdivision is the only one that he has had complaints about in the  
2 Zoning Department since 1990.

3  
4 Mr. Hall said that he would have only received those complaints as of 2006, so that is really all he can  
5 talk about. He said that he doesn't know what happened from 1990 to 2006.

6  
7 Ms. Lee said that basically for 15 years, from 2006 to 2021, this Prairieview Subdivision is the only time  
8 that he has had complaints about bees.

9  
10 Mr. Hall said in residential districts, but he has had complaints about bees in the rural districts also. He  
11 said that is irrelevant, because they are not talking about rural districts. He said that he would ask the  
12 Board to do this: if they are going to vote this down, please take the time to construct at least one sentence  
13 explaining why the Board is recommending it for denial. He said that Mr. Elwell might recommend it for  
14 denial because he believes this is a topic that should be address through private means, such as HOAs. He  
15 said that the County Board would love to get a statement that clear, and he knows that it may not be  
16 possible to get the Board to agree overall on a reason why it should be denied, but to the extent that anyone  
17 of them individually have a reason why they don't think this is a relevant topic, they should get that in the  
18 Finding of Fact. He said then the County Board knows, "oh the Board didn't deny it because they thought  
19 it was a piece of crap ordinance, they denied it because they didn't think that they should have been dealing  
20 with it in the first place." He said that would make all the difference to the County Board, and then they  
21 would know why the Board denied it. He said that if they think it is a piece of crap ordinance, then they  
22 could say that too; it is a piece of crap ordinance because it goes too far. He said that if the Board thinks  
23 they shouldn't even be limiting the number of beehives on someone's lot in a residential district, then put  
24 it in the Finding of Fact so the County Board gets that; otherwise, they are going to ask him why it got  
25 denied, and he won't have the faintest idea. He said that he knows why one person from the Board is going  
26 to vote against it, but he does not really know why anybody else might.

27  
28 Mr. Elwell asked the Board if there were any further thoughts.

29  
30 Ms. Lee said that she thinks they need to continue this case.

31  
32 Mr. Elwell asked her what is going to change.

33  
34 Ms. Lee said that listening to Mr. Hall's statement, they may want to think about some things that the  
35 Board can put down, where maybe they weren't at that stage before.

36  
37 Mr. Elwell said that for him personally, the only thing that is going to change his opinion is if they had  
38 the State guy or lady here saying that they were a professional in this and they are accredited here, it is  
39 okay to have six beehives on this lot, but it is not okay to have ten beehives. He said that he doesn't feel  
40 that he is educated enough to say that three beehives are okay, but four beehives are not. He said that is  
41 what he is being asked to do right now, and he is not qualified to do that. He said that they have heard  
42 some good testimony, but the testimony so far has been "I would do this."

43  
44 Ms. Lee said that she could agree with the concept that the Board is dealing with something that they  
45 really don't have any experience in.

46  
47 Mr. Elwell said that what they are being asked to do is going countywide. He said that it is covering up  
48 this one problem in the 16 years that Mr. Hall has been the Zoning Administrator, but it is also overlaying  
49 the entire county. He said that it is his opinion that everyone doesn't need more government.

1 Ms. Lee said that she agrees with that.

2  
3 Mr. Elwell said that there is passion and there is a lot of being rooted for in the community. He said that  
4 he would encourage and foster that, and he would encourage them to come together as a community. He  
5 said that if there is one problem, then get a plurality of their neighbors together and enforce the covenants  
6 that are there. He said that he doesn't think that something that is such a passion for a lot of people, should  
7 the Board lay a blanket over, because of one problem in one community.

8  
9 Ms. Lee said that she agrees with that.

10  
11 Mr. Elwell told Mr. Hall that he does believe that this should come to them for them to adjudicate this,  
12 but he doesn't think that this is a zoning problem; he thinks that this is a private property issue. He said  
13 that he thinks in a perfect world that they should be able to be good neighbors, and to take care of what  
14 beehives they have , and to make sure there is plenty of water; try to do what they can do. He said that if  
15 the neighbor doesn't do what they are supposed to do, then they put the surfactant in there. He said that  
16 they try to do as much as they can, but doing what they can also mean forming a coalition to say that in  
17 their community they don't want this and bring their neighbors together.

18  
19 Mr. Elwell asked Ms. Lee if she still had that motion.

20  
21 Ms. Lee said that she can withdraw it and if they want to vote on not having anything done, that might be  
22 a first step to see if everybody agrees with that concept, and if there is not the required number of votes  
23 for that, then they go further down the road and see what else can be done; she doesn't know else to do it.

24  
25 Mr. Elwell asked Mr. Hall if that meant they would move to the Findings of Fact.

26  
27 Ms. Lee asked if the Board could have a vote to see whether they don't want to have it at all and if that  
28 doesn't carry, then they go further.

29  
30 Mr. Hall said that historically, the Board does not take straw poll votes and he has been at plenty of city  
31 council meetings where they have no hesitation in taking straw poll votes. He thinks that the reluctance  
32 for straw poll votes goes back to this being a quasi-judicial process. He said that typically when they think  
33 of judges deciding a case, did they take straw poll votes in court before they vote; he doesn't think so,  
34 they decide the issue when they are ready. He said with that being said, he is not certain that a straw poll  
35 vote would be illegal, so if the Board wants to, do it, but it has never been done in his 10 years here.

36  
37 Mr. Wood said that there is no Finding of Fact in this case, there is just a Final Determination.

38  
39 Mr. Hall said no, they have a 39-page Finding of Fact.

40  
41 Ms. Lee said at that point, she thinks that they continue this meeting, because they are not going to get  
42 through that many pages in five minutes.

43  
44 **Mr. Randol moved to continue this meeting at the next available public hearing date.**

45  
46 Mr. Hall said that they have to continue to a date certain and the next available meeting night is December  
47 2, 2021. He said that those legal advertisements have not been placed yet and there has been nothing  
48 suggesting they've been placed yet; he said it will be on December 2.

49

1 Mr. Elwell told Mr. Randol that the next available date is December 2 and he asked him if he would like  
2 to add that to his motion.

3  
4 **Mr. Randol moved, seconded by Mr. Roberts, to continue Case 014-AT-21 to the December 2, 2021**  
5 **public hearing. The motion carried by voice vote.**

6  
7 **7. Staff Report - None**

8  
9 **8. Other Business**

10  
11 **A. Review of Docket**

12  
13 Mr. Randol said that the one thing he would like to say to the Board is between now and December 2,  
14 2021, go through everything and look at their Findings of Facts. He said to see what the Board thinks and  
15 write down the pros and cons as the go through the Findings of Fact, so they can correlate that stuff and  
16 have something to work by. He asked Mr. Hall if the Witness Register has to be opened back up since  
17 they closed it.

18  
19 Mr. Hall said that the Board has to allow public participation at every public hearing, and the State’s  
20 Attorney has advised in the past that if a case is on the agenda, they have to allow public participation.

21  
22 Ms. Lee asked if they could restrict it, so they only have new public participation and evidence, and not  
23 the same testimony.

24  
25 Mr. Hall said yes they can, and they heard some redundant testimony tonight, so that can be a difficult  
26 thing to police, but they can absolutely require that.

27  
28 **9. Audience participation with respect to matters other than cases pending before the Board**

29  
30 None

31  
32 **10. Adjournment**

33  
34 Mr. Elwell entertained a motion to adjourn the meeting at 9:42pm.

35  
36 **Ms. Lee moved, seconded by Mr. Roberts, to adjourn the meeting.**

37 Mr. Elwell requested a roll call vote.

38  
39 The vote was called as follows:

|    |                      |                    |                      |
|----|----------------------|--------------------|----------------------|
| 40 | <b>Lee– yes</b>      | <b>Randol- yes</b> | <b>Roberts – yes</b> |
| 41 | <b>Anderson– yes</b> | <b>Elwell - no</b> | <b>Wood - yes</b>    |

42  
43 **The motion carried.**

44  
45 The meeting adjourned at 9:42 p.m.

46  
47 Respectfully submitted,

48  
49 Secretary of Zoning Board of Appeals