

**Planning & Development Committee
Minutes of March 9, 2009
Council Chambers 6:30 p.m. – 8:20 p.m.
Evanston Civic Center**

Aldermen Present: S. Bernstein, A. Hansen, D. Holmes, L. Jean-Baptiste, E. Moran,
R. Rainey, E. Tisdahl, C. Wollin, M. Wynne

Staff Present: J. Chambers, B. Dunkley, S. Eggleston, Mayor L. Morton, J. Murphy,
B. Newman, E. Purze, R. Russell, P. Schneider, D. Spicuzza, D. Stoneback

Presiding Official: Alderman Moran

DECLARATION OF QUORUM

Chair Moran called the meeting to order at 7:20 p.m., a quorum being present.

APPROVAL OF FEBRUARY 23, 2009 MEETING MINUTES

The Committee voted unanimously 9-0 to approve the February 23, 2009 meeting minutes.

APPROVAL OF MARCH 3, 2009 MEETING MINUTES

The Committee voted unanimously 9-0 to approve the March 3, 2009 meeting minutes with one minor correction.

ITEMS FOR CONSIDERATION

(P1) Consideration of Federal HOME Fund Request from Over the Rainbow Association for Rehab of Hill Arboretum, 2040 Brown

Chair Moran asked the citizens who wished to speak to the podium.

Ms. Lynne Greene of 2016 Brown Avenue thanked the Committee on behalf of the 5th Ward community for this opportunity to address the Committee. She said the members of the Brown Avenue Foster Street and Grey Avenue Block Club would like to request that the Committee table the request for funds for Over the Rainbow Association Hill Arboretum Apartments. She said it is their understanding that the CDBG grant funds are tax based funds allocated to groups within the community for projects that will contribute or benefit the surrounding community in some way. She said it is their understanding also that this grant is requested for HOME funds which are allocated for the repair of homes within the community.

Ms. Greene explained that the Over the Rainbow Hill Arboretum Apartments occupies what was the previous location of the Community Hospital. This building was purchased by Over the Rainbow Association in the late 1980's for the purpose of renovation and built 33 apartment units for disabled adults who use wheelchairs for mobility. At the time of the purpose and subsequent renovation there was a great deal of community outcry against the project. The Community Hospital building in question was built by Dr. Elizabeth Hill and opened in 1952. The hospital was opened in order to serve the black members of the community who at that time were denied admittance to Evanston and St. Francis Hospitals because of race. She said many of the people present were either born or had their children at that hospital. She said her own grandmother was one of the original presidents of the women's auxiliary board of that hospital, that she had been a

patient at that hospital and both of her brothers were born there. She said she was also trained in lab technology there. She said when the doors closed in the late 1970's, it was a bittersweet occasion for the community because the building and its grounds are considered a historic landmark for their community and Over the Rainbow Association's conversion of the building into the apartment complex was seen as a violation of the community trust and an insult to Dr. Hill, who built the hospital to serve the community. She added that the Urban League, the NAACP and other community groups vehemently opposed the acquisition and renovation of the property because they agreed that they were losing part of their history with the loss.

Ms. Green continued that after some debate and consideration, Over the Rainbow Association made certain concessions in response to the community. These were 1) to allow access to the parking lot due to limited parking available on the street, 2) to allow access to the easement from the Community Hospital property to the connecting alley to allow residents of Brown, Foster and Grey ample access to their garages and back yards. This also allows for trash and junk pickup since the alley is extremely narrow and will not allow large vehicles to turn around; 3) to maintain at least one community member on the board of directors to address community concerns; 4) to offer employment opportunities to neighborhood constituents in an open market; and 5) to maintain the property landscaping as an enhancement to the community. Ms. Greene said that for almost 20 years, Over the Rainbow Association kept most of its promises made to the community; when changes needed to be made, property managers made certain that the community was advised of those changes, and difficulties were managed.

Ms. Greene continued that this community has always been a good neighbor to Hill Arboretum Apartments, keeping watch on the property at night, reporting suspicious activities and alerting the management and the police when something is wrong. She said that during blackouts, when electricity is lost, members of the neighborhood worked with ComEd to make sure the power was restored *there* first, because their emergency lighting only lasts a short time and does not power their AC or heating units. Within the last few years however, she said, this has changed because the management of this property has been treating this neighborhood and the people in it with disrespect and condescension. They have repeatedly attempted to close the parking lot to neighborhood residents and most recently blocked access to our alley.

Ms. Greene continued, saying that Over the Rainbow Association is a tax exempt organization that it does not contribute to the property tax base here in Evanston. The primary employees of Over the Rainbow Association do not live here and do not contribute to the tax base. The tenants are sustained on Social Security and they do not contribute to our tax base either. But she said the people here are taxpayers and they pay the taxes that fund these projects. She said they do not feel that their tax dollars should be given to an organization that does not respect the integrity of their neighborhood. She said they did have one meeting recently with Over the Rainbow Association but the situation has yet to be resolved to their satisfaction and the City has been little help in this. They therefore respectfully request that the granting of funds to Over the Rainbow Association be tabled until such time as they can agree to cooperate with the rest of their community for the safety and the welfare of everyone in it, not just a select few.

Chair Moran thanked her.

Ms. Judith Treadway of the Evanston North Shore Branch of the NAACP, said she was there in support of more dialogue and resolve for the residents of the Brown/Grey area. She said it appears from the comments of Ms. Greene that the climate of the relationship between the residents and Over the Rainbow Association has changed. She said obviously sometimes agreements are made verbally but they are not in writing and good faith acts are procedurally done over time but things change in a geographic area: more people live in the area, there is more traffic in the area, and other concerns about property can arise, such as safety and things of that

nature. She said she certainly feels that one of the things that may have helped resolve this matter would have been for the citizens of the area to be properly notified that there was a concern about the accessing of their property through that alleyway. The city has taken it upon itself to take this action to put a fence up on the alley, and they should have notified the residents about it first and had some dialogue.

Ms. Treadway said regarding the garbage pickup, if it is impeded by the size of the trucks, perhaps an alternative would be to have another size truck pick up the garbage. She does feel that the City should have taken the initiative to resolve this matter between the owners of the property and Over the Rainbow Association and the residents in that area, so there would not be any hard feelings after over 20 years of a good relationship between them, as well as the millions of dollars that the City has given to their facility in good faith to support what they offer at their facility. Ms. Treadway said she has sat on the CDBG Committee and supported the funding every time the Over the Rainbow Association came to them and she still would support it. But under these circumstances citizens feel very disrespected and ignored. She asked that they go to the Public Works Department, who handle the alleys.

Ms. Treadway said this matter should have been brought to the citizens and should have not have been taken upon a staff person to put up the fence without any proper discussion or acknowledgement to the residents as to why they were doing.

Chair Moran thanked her and suggested that the Housing Planner, Ms. Donna Spicuzza, give some background on why this item is on the agenda tonight, what the intent and the purpose of this agenda item is.

Ald. Rainey asked if she could briefly answer that question, because many of those on the Planning & Development Committee serve on the Community Development Block Grant (CDBG) Committee, of which she is Chairman. As a matter of fact, she said, it was the Committee's determination to tell them to withdraw their proposal for CDBG funds because there is never enough CDBG money to distribute to all who apply, and the Committee agreed that this request was absolutely positively a model request for HOME funds, and that is why it is an item at this meeting.

Chair Moran suggested explaining what this agenda item is about since what we have heard so far is that there are some objections to it. He would like those watching to understand what the agenda item is. Ald. Rainey repeated said this is a classic applicant for HOME funds.

Ms. Spicuzza explained that this is a request for HOME funds, which are federal funds through HUD that can be used for acquisition, construction or rehabilitation of owner occupied or rental housing. She explained that Hill Arboretum Apartments is a 33 unit rental building that serves very low income adults and they are also considered special needs because of disabilities, so it is an eligible HOME funds project. Ms. Spicuzza explained that they are requesting some funds to make repairs in their apartments to the kitchen units that have not been remodeled since the building was converted from a hospital, and also to the heating. Staff worked with Over the Rainbow Association after they submitted their original CDBG application because with HOME funds, it is required that all code issues are addressed and staff wanted to see if there were any other issues coming up and they found the need for some tuckpointing, soffitt repair, and hallway heating.

Ms. Spicuzza explained that the building gets funding from HUD to provide rental subsidies and they get a share of rent from the tenants, who make up the difference. HUD only funds the building at a break even or a subsistence level so they do not have enough money from the operations of the building to pay for the repairs or to pay the debt service on an additional loan.

Previously they used CDBG funds because they had a mortgage with HUD when they originally did the building through the HUD 202 program which does not allow them to add a subordinate mortgage but they have since refinanced with a conventional lender so they are eligible for the funds that the City would be providing through the HOME funds, and the City does have the HOME funds available for this. She said that staff and the Housing Commission felt that this request addresses the goals in the consolidated plan to maintain and provide rental housing for low income residents and it should be considered on the merits of providing housing. She said she is aware that other staff in the Community Development and Public Works Departments have been working on this issue of the neighbors' dissatisfaction with the actions that were done with the alley and staff has encouraged the Over the Rainbow Association to continue to work with the neighbors to reach a resolution. She concluded that they feel that as a housing project serving the desired beneficiaries, this is an eligible project and a good use of the HOME funds.

Chair Moran asked the Over the Rainbow Association representatives to speak.

Mr. Eric Huffman, Executive Director of Over the Rainbow Association said he was absent from the last meeting for HOME funds, where members of this group read a statement so they decided to present a position statement, which he read:

To the Planning & Development Committee, we wish to briefly express the position of Over the Rainbow Association.

21 years ago, after sitting vacant and unused since closing on June 9th, 1980, the deed of the former Evanston Community Hospital was transferred by the Evanston Hospital to the Over the Rainbow Association. We named the building in honor of the hospital's founder, Dr. Elizabeth Hill. We applied for \$1.7 million of federal funds and matched this award with our own funds of \$1.7 million to create Hill Arboretum Apartments. We are very proud of this property, take excellent care of it and have great respect for its legacy. When you drive across the canal bridge you see how well groomed and maintained the property always is.

The brick Hill Arboretum sign was promised to the community as a tribute to Dr. Hill and was paid for by our Association. It is an honor for us to have our agency headquarters in Evanston and we are very proud that in the last five years, we have built five new properties in Northern Illinois based on the Hill Arboretum model. There is a huge need for the type of housing that we provide and that Evanston has embraced. To illustrate the point, we house 33 residents, yet the waiting list for Hill Arboretum is 65 people.

At the heart of our mission, Hill Arboretum gives individuals with disabilities the ability to live independently and belong and contribute to this community. Over the last 19 years, many of our tenants have participated in community events and on committees and projects within the city and city government of Evanston.

What may not be as evident, are the enormous cost savings over many years to the taxpayers of Illinois when we compare our model of housing to institutional care. We testified to the Illinois State Assembly and they agreed that we save taxpayers from \$60 to \$90,000 per year per resident over institutional care. The multiplier on our 33 Hill Arboretum residents based on \$60,000 of savings per year is \$2,000,000 per year.....add up a few years and we're talking real money.

All funds that flow through Hill Arboretum flow through this community. No municipal dollars flow to us for program operations. All income support is based on federal taxes, which we all pay, regardless of where we live. Our tenants spend their money in Evanston and over the years, they have helped support the livelihoods of many neighbors and Evanstonians as personal care attendants, maintenance personnel, staff, and contractors.

Over the years, from 1989 to 2002, the city of Evanston has been very supportive with awards that total over \$500,000 of CDBG funding. In each case, OTR contributed additional major funding. All projects were in the Public Facilities category, and local and minority contractors were encouraged to bid and were used if at all possible. In our last CDBG round the city paid for half of our new roof and we paid half from money we raised ourselves. No CDBG money was ever used for agency overhead, operations or staff salaries, and no administrative fees were ever built into the grant awards. Also, please note that we have not come to the city for funding in the last five years.

The funds we have requested will go 100% to improving the lives and apartments of the Evanston fifth ward citizens that we house and serve. Again, not one dollar of funding will go to operations, salaries or the administration of this grant. The money will go to providing better heating in the individual apartments and common areas, tuck pointing mandated by the city, and much-needed updates and accessibility improvements to tenants' kitchens, which have had tough use over the last 19 years.

I want to directly address the issue outlined by this group of residents. Our property is private. Over the years, cars have increasingly used our parking lot as a thoroughfare from an alley to Brown Avenue. Since a stop sign we installed there failed to decrease traffic flow, five years ago we put in a speed bump to try to rectify the situation, but it made no substantial difference. Within the past year, a resident was hit and knocked out of their wheelchair and other residents, staff and neighbors have had close calls. We even believe that drug users use the rear alley through our parking lot as a thoroughfare and finally, two weeks ago.....shots were fired. Many of our residents have lived in the building for 15 or more years and as they age, we along with our lawyers and insurers concluded that more stringent measures were necessary to protect these Evanston residents. To address the issue, the city installed a gate to block access. We support this.

It appears that a very small group of neighbors believe that they should have control over the way in which we administrate our parking lot and property. At this point, the risk is great to our tenants and the risk of liability is great to our organization.

Hill Arboretum is a tremendous asset to the neighborhood, the city of Evanston and the State of Illinois, and the board and staff will continue to do everything we can to maintain a safe and accessible living community for our tenants.

Chair Moran thanked him.

Ald. Holmes said she thinks the residents are very much in support of HOME funds being used to do the renovation and repair that is necessary to the building and she does not think that is the issue. She said she thinks the issue is getting the attention of the administration. She said she has

met with Over the Rainbow Association, staff, and the community and unfortunately, there was a special meeting about two weeks ago that she could not attend because she was at the Planning & Development Committee meeting. She said she hopes that they will continue to meet. She thinks, though, that they must take into consideration that mistakes were made. She does not know how the gate got installed, but it got installed without the proper process being followed. She said this is evident because if it is on public property there must be notification to the residents and that did not happen. She said she has told Over the Rainbow Association and the neighbors that they must converse to figure out a way to resolve this.

Ald. Holmes concluded that no one wants to see any resident there, hurt. She said the alley is very narrow and to turn out of the alley going north would difficult to make driving over 30 miles an hour.

Ald. Holmes said she feels the dialogue needs to be continued and she asked to hold the item in Committee and reference the discussion regarding the alley to the Administration and Public Works Committee so they can have time to meet with the neighbors and get the issue resolved.

Ald. Bernstein asked for confirmation that the City of Evanston put up a fence to preclude access to a public alley. Ald. Holmes confirmed that it did happen. Ald. Bernstein asked how it happened and said the first thing that the Committee should do is ask the City Manager to remove the fence. If it is an alley, we can put in speed bumps, not humps, which do modify the flow of traffic. He said he does not know how it happened but it should not have happened. He said the second issue is with respect to the verbal parking easement. Ald. Bernstein said he knows the administration of Over the Rainbow Association hasn't changed because he has seen Mr. Huffman for years. So something has changed and he is not sure what the problem is. He said the City has no control over the use of private parking, but with respect to people being precluded from using a public alley, that should cease immediately. He said he did not hear the neighbors speaking against Hill Arboretum Apartments, in fact they were in favor of it historically. In all his years on the CDBG Committee, he said he has never heard an unkind word about it.

Ald. Bernstein concluded that he thinks this is a wonderful use of HOME funds except that he must consider the complaint that they are precluding access to a public alley. Ald. Holmes said the alley ends at the private property of Hill Arboretum Apartments.

Ald. Rainey said putting up the gate at the alley is tantamount to vacating the alley, and it requires $\frac{3}{4}$ of the Council vote, which is the most majority next to anything except selling property. She said she thinks it would be a good idea for the Administration and Public Works to get a memo on vacating alleys or putting up fences. She thinks the fence should be down by tomorrow morning and there is no logical reason no matter who made the request for a fence to be blocking a public alley. She said she supports 100% the funding for Hill Arboretum, but this is the first time in her 20 some years on the Council that she has ever heard a story like this and the fence needs to come down. She said Ald. Holmes has been doing a lot of work talking to all of them about the fence.

Ald. Tisdahl said Ald. Rainey answered her question of whether this has ever been done before. She said she had been at Hill Arboretum doing the wheelchair wash so she does understand where the alley is and if the original agreement was that residents could drive through that alley and parking lot, and have been for years, she thinks that use should not be changed. She agrees that we should take down the fence immediately because everyone agreed to building Over the Rainbow Association based on certain agreements, one of which was use of the alley.

Mayor Morton said she has driven through the alley and she turned around in someone's

driveway to get out. She said she wants to look at the property. She said if there is an alley that is so narrow that a garbage truck can't get through it, she said she does not understand how it happened. Maybe the people who live on both sides of it put their fences up and by adverse possession, took part of the alley. She said a lady told her the Mayor told them to put that fence up and she said that is not true and could not possibly be true because the Mayor does not have that kind of power. She said the request for the HOME funds is in her opinion completely unassociated with this. She said another person in the 5th Ward wanted to build some places up the street from her with the idea that the garbage trucks, since he knew there wasn't enough space, would come through his place. He was going to allow that. His plan was to build a road, which garbage trucks would never go on private property without authorization, so she said she would like for the Zoning Dept. to look at that alley and see what the problem is because it should be wider. Mayor Morton asked whether the city has smaller garbage trucks. Ms. Suzette Eggleston, Superintendent of Streets and Sanitation, said they walk the garbage out when the alley is too small. Mayor Morton asked whether that was possible in this instance.

Ms. Eggleston said it is easier for the men who collect garbage to just walk down the alley than to switch between different garbage trucks. So when they get to a tight alley, the drivers just walk up and pull the carts out and empty them that way. So, Mayor Morton asked, there is no problem, to which Ms. Eggleston replied that because this particular alley is so long, they need to access Over the Rainbow Association's parking apron to access the alley. Mayor Morton asked whether Ms. Eggleston was suggesting that the garbage trucks go through Over the Rainbow Association's property and how they do that, to which Ms. Eggleston replied that they have gotten permission from Over the Rainbow Association.

Ms. Eggleston clarified that Mr. Huffman called the Mayor and John Burke (formerly of the Public Works Dept.) to meet. They raised the issues of liability and safety because it is their personal property that is being used. She said the gate was installed on private property. It does not block the alley and it was left open. She said the conversation that Public Works had with Mr. Huffman was that the gate would not be closed until they had an opportunity to meet with the neighbors and discuss the issues. Before the notification process was supposed to happen she got a call that the gate was closed. They intended to close the gate and lock it and Over the Rainbow Association was going to allow access to the City's garbage and recycling trucks access to the alley, but the gate was locked prematurely, before they had an opportunity to talk to the residents. The gate was installed so quickly because it was right before winter when the ground freezes, which would not allow them to put the concrete in. They had a gate available that they took from another alley they were blocking off and they put it in and left it in an open position and that is the way it was supposed to stay.

Chair Moran thanked her.

Ald. Holmes said that all of that is true except that the conversations with the neighbors never happened. She got the first call that the gate had been installed whereupon she talked to Mr. Burke. They are trying to back track to have a meeting, but she is simply asking the Committee to hold this item and restore access to the alley until the issue is resolved with the neighbors, and to refer the item to the Administration and Public Works Committee and get more details about their conversations.

Chair Moran said it seems fairly evident that there needs to be some further discussion on this. He said we need to bring everyone together that has a stake in this and work out a solution adding that he does not pretend to know what that solution is.

Ald. Jean-Baptiste said without the proper authority you cannot close off access to an alley, and even if it is on private property, if there is a history of use then there is an assumption of the

community that there is an easement for them to travel through that alley and that private lot. The other issue is if the intent was to hold the gate open, why install it in the first place? You installed it with the hope that they would keep it open and then you hear that they closed it. These things ultimately should be referred to the Alderman, because she is in the best position to understand the history and to mobilize people to resolve problems. We need to make sure that the City is consistent in following this policy. He asked Ald. Holmes whether she would like to refer the alley issue to the Administration and Public Works (A&PW) Committee. Ald. Jean-Baptiste asked her to clarify her request and whether she was suggesting that we hold the entire matter until this is resolved, to which Ald. Holmes said yes and that she is hoping they can do it by the first meeting in April. She said she has checked with Ms. Spicuzza and that the request for the HOME funds must be made by May, so there is time.

Ald. Wollin said she also wanted to be sure that the HOME funds would still be available, and that Over the Rainbow Association is certainly justified, and she supports the funding, but she respects Ald. Holmes' request to hold the item.

Ald. Rainey said she supports the holdover but she does not support a public alley being closed. She said staff needs to remove the gate first thing in the morning. She heard that there was the blocking of the private space but if public way is being blocked, it needs to be removed, even if it means removing the gate altogether so that it can't be locked.

Ald. Bernstein said he believes the Committee agrees with Ald. Rainey. He asked whether there is ingress or egress on the (other) south side of the alley because he was told you would have to back out. He said he has no problem with holding the item to give Ald. Holmes the opportunity to discuss this but he said he also agrees that the gate should never have been put up.

Mr. Huffman said he thinks these issues are unrelated. He said we are talking about life safety in the parking lot. He said maybe they made some mistakes, but he does not think that the funding from the HOME funds has anything to do with this life safety issue, though they will respect certainly whatever the decision is, of Council. Chair Moran assured him that the Committee understands his point.

Mr. Leo Kirwan, a resident at 2040 Brown and Chairman of Over the Rainbow Association, said he wanted to make it clear to all the aldermen there and the entire Committee that what we are talking about are 2 separate things: It is a public alley and the public alley ends at Over the Rainbow Association's property and he just wanted to make sure that everyone understood that the property line and where the public alley is, are two totally separate things.

Chair Moran said he understands that this is much more complicated than some of the things that had been said at this meeting. He said he does not know how you can tell someone to take down a gate that is on their property and that he was told that it is on City property. So he believes they need to hold this and get a meeting together. He said he is not clear on the linkage between the two issues but if sitting down and working through them is a way to get to the end of this discussion, then it seems to him that it is probably the best thing to do. He suggested getting the full scope of getting everything they need to do the right things, and then let us do the right things.

The Committee voted unanimously 9-0 to table the item until the next meeting.

(P2) Ordinance 19-O-09 Amending the City Code to Authorize Re-inspection Fees for Rental Property

Ald. Rainey moved approval of the ordinance. Ald. Tisdahl seconded the motion.

Ald. Bernstein asked whether a situation where a person misses their appointment is reviewable in case of an emergency, for which there should be some recourse. He said the ordinance fails to state that there should be sufficient time between the notice of the violation and the time to fix the violation. He said it could be a wonderful fee generating method by telling someone to fix it by tomorrow and the inspector comes back every day at \$150.00 a day, which should not happen. He said emergencies and a minimum time between inspections need to be addressed in the ordinance.

Ald. Hansen said she knows that when our inspectors come out, if a resident needs more time than what was originally planned in terms of coming into compliance, they are always given that time. But she said she thinks in terms of re-inspection, depending on what the property owner has to fix, they may be relying on a contractor to come out, or for materials, or maybe they have been given dates that lead them to believe it will be finished the day before an inspection is going to occur, and it does not happen. She thinks 24 hours is a small window for those kinds of situations. She said also that many people have asked what happens when the inspector doesn't show up, and they have to be there, or when the inspector does not cancel within 24 hours and they have to take time off of work in plenty of time to be there to meet the inspector. She said we need to consider that when talking about re-inspection fees. She said she has also gotten complaints that the first time the inspector came out they gave the resident a long list of what needed to be done and the list is very difficult to understand and figure out which nail hole needs to be spackled and sanded down in which apartment or which doorway and also that inspectors add new things to the list. So are we going to charge them an inspection fee for things that are missed by the inspector the first time? She thinks all these things need to be addressed and she does not think this ordinance accurately reflects the conversation the City had with all those citizens that came here to talk about the problems they've had. So unless we can do that, she said, she cannot support this ordinance tonight.

Ald. Holmes said she agrees with Ald. Hansen's concerns and she was going to mention one of the citizen's complaints about if an inspector does not hold up their end of the deal with an inspection because that was one of the things that people had a lot to say about at the other meetings. She said re-inspections should be well defined in terms of what has been done because if you do go back a second time and add things to the list, to her that would not be a re-inspection, but a new inspection. So, she concluded, that would have to be clarified.

Ald. Rainey said her experience has been very different from those that are being cited. She said there are inspections that go on for 6, 8 and 10 months, and they are not always unique situations. She explained that the way the program is supposed to work is, you receive a notice as a landlord that your building is going to be inspected which should trigger, if the program worked correctly, you inspecting the building with your janitor or handyman and fixing the broken windows and broken screens, for example. Instead, in most cases, not in all cases, the owner waits until the inspection and that is why so many things are frequently sited, and they are often little things that could take 30 seconds to repair. Then there is a time period given for the repairs, which she believes is the key issue. How long do you give for restoration or compliance of the code violations? If we give them 30 days, most things should be fixed except for big things, for example, a roof. She said she thinks we should distinguish between the big items and the interior living property maintenance issues so when you go back the second time, whenever that is, if it is in 30 days, she thinks all those little things should be done. If you are collecting rent, you have a responsibility to maintain your property. In fact, she thinks it should not be the second re-inspection it should be the 3rd re-inspection when we start charging, because that would be over a month and by that time, those who are going to fix anything at all, have already fixed it. The ones who don't comply within 30-40 days are not going to fix things at all because they just really don't care, and there is a problem in this community with some property owners who have

absolutely no intention or care to pass an inspection. She said it is a fact though she knows no one likes to hear it because this is Evanston and we are unique. She said eventually we bring them to court and the court orders them to pay a fine, they pay a fine and then we go back and inspect again and the things still are not fixed, so she thinks we should allow 2 re-inspections and after that we start fining them unless it is a dangerous issue. She believes the issues should be categorized: broken back porches, windows, stoves and plumbing are urgent and must be fixed immediately. A missing tile in the bathroom, for example, is not an urgent matter and could wait 30 days. She said several people complained to her about the previous recommendation from the Community Development Department, and they were the very people with the longest list of code violations. She said we need to be careful and make this equitable and apply it to everybody. She would give them 2 free re-inspections and then start fining.

Ald. Wollin asked Mr. Murphy, the Assistant Director for Property Standards, what the usual time frame is to respond to an inspection. Mr. Murphy said it is 60 days. They used to do a 30 day re-inspection. Then they would go back in another 30 days, then go back a third time in 30 days, but it proved to be too cumbersome because many owners did not show up, nor did they give the tenants notice and it caused many problems. He said in answer to her question, they now we give 60 days for the 1st inspection, another 60 days and they go back, and at that point they take it to administrative hearings. It does not take into account the owner no-shows. He said our no-shows at this point, even with our limited staff are approximately 1% compared to multiple no-shows for some owners. They use every opportunity they can not to appear because they know if they don't appear we can't go in the building and it saves them money. He said that what he heard at these previous meetings is that the citizens wanted to see more efficiency.

Mr. Murphy explained that this ordinance is not about raising revenue. It is actually about the City being more efficient. He said when an owner does not show up at a 40 or 50 unit building inspection, we have an inspector sitting there for 15 minutes, we have used clerical time to send out letters, and at that point we don't know whether he is late so we are sitting there waiting. Then the inspector will call his or her supervisor to ask what she wants them to do. Everybody is now using their time now because the supervisor has to stop what she is doing, assign new work and it just becomes a real problem and it has been a problem, he said, for as long as he has been here. He said the owner no-shows outnumber ours significantly and ours are at a total act of desperation when we absolutely have nobody and even then we try to contact an owner by phone. The problem in the past was, until we had the registration ordinance, many times we did not even have phone numbers. At least now we have phone numbers. He said that he wanted to make clear that this is really about efficiency: this is our goal. He said this is more about efficiency than about trying to raise revenue because there is a distinction, but he said he does understand what they said about having more than one re-inspection before fees kick in.

Ald. Rainey said she thought we were still on 30 days. Mr. Murphy said we do not have the staff to go back every 30 days. Ald. Rainey said she thinks 30 days is what we should do. She does not think we should wait 60 days. Mr. Murphy said the only exception to that is for smoke detectors, where we will go back in 7 days. He said they would be shocked at how many owners won't even take care of that basic life safety item: it is not uncommon for 50% of the smoke detectors to either not be working or not even be there and the problematic owners, which is who this is targeted at, will give every excuse why they can't put up an \$8.00 smoke detector. He said they waste a lot of time and energy arguing with them about that as well.

Ald. Bernstein asked how much notice the City gives people of the inspection, to which Mr. Murphy replied that we try to give at least 3 weeks. Ald. Bernstein asked whether they use regular or certified mail, to which Mr. Murphy responded that it is regular mail. Ald. Bernstein asked how they know the notification has been received. Mr. Murphy said they assume the U.S. mail is being delivered and that it has been made clear to them that the U.S. mail is reliable. Ald.

Bernstein asked whether people are saying they have not received the notices, to which Mr. Murphy replied that most people say they have received it but many times there is a communication breakdown when the management company does not send the notice to the building engineer, a problem applies to big buildings. He said owner occupied 2 flats are not a problem. The problem is with big multi-family buildings where the notification goes to the building management in Park Ridge but the communication does not go to the building engineer, the City shows up and he has no idea there was to be an inspection because they did not forward the notice. So the problem is caused more by the bureaucracy on their end than on ours.

Ald. Bernstein suggested that with multi-unit buildings we use return received certified mail in the hope that it will trigger some cooperation on the part of the management company. He said in the process of raising revenue with respect to those recidivist repeaters, he does not want to hurt the little guy who is just unable for whatever reason, to appear but we do have slumlords in this town and they should be made to compensate us for the time spent because of their irresponsibility.

Ald. Rainey said the fear she has with the return receipt requested mail is that they will not sign it and you will not get a receipt. She said a big problem too, for example, if they live in Park Ridge but their building is in the 100 block of Custer, is that they put their address down as the Evanston address but they never visit the building to collect their mail. Ald. Rainey said we really must do something. Some of us know not-for-profits and landlords but we have got to get a handle on this. It is a huge waste of our staff's time and the buildings are not getting repaired.

Ald. Hansen asked Mr. Murphy how the fee structure was determined. Mr. Murphy said he did research. He found that many communities have apartment licensing, so they can pull licenses. Evanston does not and neither does Aurora, which was the most similar to Evanston, and this has been modeled after their ordinance. Ald. Hansen asked whether Aurora differentiates between larger apartment buildings versus the 2 or 3 flats, to which Mr. Murphy answered that they do not. Ald. Hansen asked whether 60 days is in our current property standards ordinance, to which Mr. Murphy replied that it is a policy. It is just the only way we can use staff time to get into as many buildings as possible and to give the owners a reasonable amount of time to make the corrections for the simple things that Ald. Rainey was talking about. He reiterated that any life safety issue we do not give 60 days. It is at the discretion of the inspector. Broken windows and plumbing are sometimes 24 hour things, where we say we will come back tomorrow, but in general, basic maintenance items, it is 60 days. One example of when it would actually be longer is if you're talking about painting of exterior windows. If you're in the building in December, there is nothing you can do. But this would not be affected by this ordinance because those are drive-by re-inspections that don't require the owner to be there so there is no time set for an owner to meet us. We can do those inspections at any time by driving by and looking. He said this ordinance applies specifically to interior inspections.

Ald. Jean-Baptiste asked for what percentage of notices do you fail to get a response or does someone tell you they did not know about the inspection. Mr. Murphy said he didn't bring any data with him, but when he was doing inspections about 9 years ago, roughly 30% to 40% of the time an owner would not show up for the first inspection. Ald. Jean-Baptiste asked whether these were for large buildings, to which Mr. Murphy answered, yes. Ald. Jean-Baptiste asked whether they said it was because they did not receive communication, to which Mr. Murphy answered that yes, in those cases it was almost always communication that did not get to them from the manager's office to the building engineer, who usually lives in the building. Ald. Jean-Baptiste asked whether he could confirm that the management received the notice, to which Mr. Murphy replied that the notices did not get returned in the mail. Ald. Jean-Baptiste suggested that as part of the notice process since most of these large companies have fax machines and fax receipt is now used as legal confirmation of a notice having been sent, and since he agrees with Ald.

Rainey that if we send certified mail many of these entities will not sign or by the time it comes back refused, the post office has attempted to deliver about 3 times, which can take 6 weeks, he suggested faxing it as an alternative method of notification. Mr. Murphy said they cannot send the notice too much in advance because then people could forget, but at the same time we don't want to tell them a week before. So our goal is to give them enough time. He said he understands that it puts a burden on people and one of the things he wants to implement now that we have registration and phone numbers, is that the supervisor actually physically makes contact with the owner. In the past, we haven't done that, but we would like to confirm also, by call, fax or email.

Ald. Rainey moved recommendation to the Council to introduce and then return it to the Committee. Ald. Jean-Baptiste seconded the motion.

Ald. Hansen suggested adding to the ordinance a re-inspection fee structure for smaller units versus the bigger units because if an inspector is going out on a building of 25 units or more, they probably schedule the majority of their day to do that and if the property owner does not show we are wasting time because they cannot just go to another property to inspect. She said she would like to see language in the fee structure that exempts the fee when for any reason our inspectors do not show up on a scheduled visit. She said she would like to consider those two issues in polishing up this ordinance for the next meeting.

The Committee voted unanimously 9-0 in favor of the motion.

(P3) Consideration of Request from Connections for The Homeless for Families In Transition (FIT) Funds

Ms. Sarah Manaher from Connections for the Homeless, representing the family and advocating for the FIT funds, said there are two things she wanted to point out: typically when they get FIT funds they are for clients that are moving from their 2 year transitional program directly in to the FIT. This is a little different in that the woman and her family left about a year and a half ago and the mother has done a tremendous amount of work in that year and a half, while Connections for the Homeless was not a strong presence in her life, to get the family where they needed to go. Connections for the Homeless feels that this is a strong applicant, for the amount of work she did when she was not in their program and they feel confident that she will move forward. The second issue is that typically, the education employment goals coincide nicely with the time frame for the FIT and this one is a bit longer than the FIT program provides funding for, but Connections is restructuring how they do family housing will allow for more time so it is their goal that "Connections" will also pick up, when this is done, supporting this family so the mother can get her educational goals achieved.

Ald. Wollin said this is a remarkable story of someone who is very worthy of receiving social services from our community and this is exactly what we should be doing and she applauds their efforts.

Ald. Rainey moved to approve the request for funds. Ald. Wollin seconded the motion.

The Committee voted unanimously 9-0 to approve the request for funds.

ADJOURNMENT

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Bobbie Newman