

**Planning & Development Committee
Minutes of October 9, 2006
Room 2200 – 6:30 p.m.
Evanston Civic Center**

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

Staff Present: J. Wolinski, J. Carroll, K. Cox, H. Hill, V. Jones, G. Morgan, C. Ruiz, D. Spicuzza, J. Brownlee

Presiding Official: Alderman Jean-Baptiste

DECLARATION OF QUORUM

Chair Jean-Baptiste called the meeting to order at 6:38 p.m.

APPROVAL OF THE MEETING MINUTES OF SEPTEMBER 25, 2006

Ald. Wynne moved approval of the September 25, 2006 meeting minutes, seconded by Ald. Wollin. The vote was 9-0 in favor of the motion.

ITEMS FOR CONSIDERATION

(P1) Ordinance 105-O-06 – Special Use Request for a Convenience Store at 817 Davis Street
THIS ITEM WAS TRANSCRIBED BY COURT REPORTER LEGRAND REPORTING & VIDEO SERVICES, IN ACCORDANCE WITH THE KLAEREN RULES. PLEASE REFER TO THE TRANSCRIPT.

In summary:

Ald. Rainey moved approval for introduction and referred back to Committee to allow discussion with the franchise director at the next scheduled P&D Committee meeting. Ald. Bernstein seconded the motion and the vote was 9-0 in favor.

(P2) Ordinance 27-O-06 – Inclusionary Housing Ordinance
THIS ITEM WAS TRANSCRIBED BY COURT REPORTER LEGRAND REPORTING & VIDEO SERVICES, IN ACCORDANCE WITH THE KLAEREN RULES. PLEASE REFER TO THE ATTACHED TRANSCRIPT.

In summary:

Asst. Corporation Counsel Herb Hill, requested that this item be held in order for Legal staff, Attorney Ken Cox, to meet with BPI representatives to discuss the effect and logistics of the “taking clause” in regards to Inclusionary housing. Mr. Hill referred the Committee to his memorandum dated October 5, 2006 included in Council’s packet with this item that elaborates on Legal’s position on this matter. He pointed out that upon Legal’s review of Inclusionary housing and regulatory takings case law, BPI’s memorandum, and the manual “Inclusionary Zoning: Legal Issues”, the Law Department’s conclusion is that the ordinance should include

either: 1) specific benefits from the Toolbox, listed in the Ordinance, to developers, 2) some form of administrative relief, such as an alternative means to fulfill the Ordinance requirements, reduction in requirement or outright waiver, or 3) both. Mr. Hill explained Legal staff's position on administrative relief from the ordinance that could reduce or eliminate the economic impact on the developer's behalf that could possibly coincide the effect of the "talking clause."

In conclusion, Mr. Hill requested to the Committee that they allow this item to be held over to give Mr. Cox time to meet with BPI representatives to discuss the options stated and report back to the Committee at the next regularly scheduled meeting.

(P3) Request for HOME Funds

Ald. Rainey moved approval, seconded by Ald. Tisdahl.

Ald. Wynne raised a specific concern with the CHDO Housing Opportunity Development Corporation and their property owned at 319 Dempster Street. She noted that earlier this year a situation was brought to Ald. Wollin and her attention that at this address there was a penalty put in place to their tenants if they called the Police Department at what HODC deemed to be too often. When she and Ald. Wollin asked HODC through the Police Department to remove that penalty from their tenants, HODC refused. Ald. Wynne clarified that HODC was charging tenants at their discretion to what they decided was too many phone calls to the Police Department on complaints within the building. She and Ald. Wollin asked the Legal Department for an opinion about whether this activity was legal when Chief Kaminski was still in charge, noting the Chief's concern for this penalty as well as the area foot patrol officers in that area. In further discussion with some of the 319 Dempster tenants, it was stated that HODC did not like the fact that the Police Department was being called often without their knowledge first. Consequently, HODC imposed a \$40 fine which she feels is significant to the tenants of this building. Ald. Wynne stressed her position that she is not comfortable to giving money to HODC when they have such a regulation in place at one of their buildings that puts an economic stress on the tenants. She requested an explanation and response from HODC on this matter before she could ever support forwarding operating funds to this organization. Mr. Richard Koenig, Executive Director of HODC, responded to Ald. Wynne's comments that it is a mis-characterization of the situation at 319 Dempster. He explained that due to several unnecessary calls from tenants to the Police Department that could have been handled firsthand by management occurred because required and posted regulations were not followed. He stressed that management's rules and specified regulations to tenants is that any problems be reported to them first to be handled in-house if the situation is not immediate life threatening emergency cases, which the majority of Police calls were, in Management's opinion. Mr. Koenig stated that there was an abuse of calls made to the Police Department that could have been handled in-house first, therefore they placed this penalty on the tenants to aid in the elimination of unnecessary calls made. He informed that a few incidents happened where the penalty was going to be enforced however the problem was dealt with and not actual penalties were ever executed or charged. He acknowledged Ald. Wynne's interception with the Police Department and HODC, but assured no further penalty charge action was ever taken because the message that Management was trying to achieve was clearly understood by those tenants they were trying to get the message across to. He said that this penalty is something that can be eliminated and has never actually been charged to any tenant. Ald. Wynne responded that she is glad to hear this however in recent discussion with specific Police Officers affiliated with this building, she was just lately informed that the penalty was still in effect and that the tenants of 319 Dempster are still intimidated by the consequence of this fine. Mr. Koenig responded back by reiterating that

the penalty was never charged in any case. He further recalled that this regulation/penalty is an alternative resulting from past discussion with the P&D Committee to resolve some of the problems stated at the 319 Dempster location. Ald. Wynne clarified that in no way did she or her fellow Committee members mean to resolve the matter by charging the tenants for excessive calls to the Police Department. Furthermore, she noted that many of the tenants from 319 Dempster complained that they have called the emergency number to HODC and received an answering machine, left messages and never received a call back. She stressed that this method is unacceptable and unreliable therefore you can not fault the tenant to take further action by calling the Police Department.

Ald. Tisdahl said that she also spoke with Police Chief Kaminski at the time she heard of the penalty situation at 319 Dempster and is also very concerned with such a regulation put in place by a CHDO whose main existence is to aid and assist the income-challenged property owners and rental population. She is very disappointed in the penalty/fine imposed, however would be willing to support funding to HODC with the discontinuation of this penalty.

With no further discussion, the vote was 9-0 in favor of the motion.

(P4) Appeal of the Preservation Commission Denial – 115 Dempster Street

Ald. Wollin moved approval to hear the Appeal application of the Preservation Commission's denial, seconded by Ald. Hansen. Discussion followed amongst the Committee members of whether to hold this hearing at the P&D Committee meeting or Council. It decided that the hearing be held with the P&D Committee. Chair Jean-Baptiste allowed the neighbor, Ms. Vicky Truex, to comment which she stated here position that she is against the appeal and supports the Preservation Commission's decision for denial of this request. She deferred from further comment until the actual hearing date.

The vote was 5 in favor of the hearing (Wollin, Hansen, Moran, Holmes, Jean-Baptiste), 4 voting opposed (Tisdahl, Bernstein, Rainey, Wynne).

Mr. Wolinski informed the Committee that he can safely assume that no new issues will be coming out of the Plan Commission for the October 23rd meeting and no major Zoning issues are pending at this time that would come out of ZBA. Therefore, the Committee set the hearing date for the October 23rd meeting.

ADJOURNMENT

The meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Jacqueline E. Brownlee