

CITY COUNCIL

July 28, 2003

ROLL CALL - PRESENT:

Alderman Moran	Alderman Feldman
Alderman Tisdahl	Alderman Newman
Alderman Rainey	Alderman Bernstein

A Quorum was present.

**NOT PRESENT AT
ROLL CALL:**

Aldermen Kent, Jean-Baptiste, Wynne

ABSENT:

None

PRESIDING:

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, July 28, 2003, at 5:35 p.m. in the Aldermanic Library. Alderman Feldman moved that Council convene into Closed Session for the purpose of discussing matters related to real estate, litigation and closed session minutes pursuant to 5ILCS Section 120/2 (c) (5), (6), (11) and (21). Seconded by Alderman Wynne.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

Roll call. Voting aye – Moran, Tisdahl, Rainey, Feldman, Newman, Wynne, Bernstein. Voting nay – none. Motion carried (7-0).

At 7:30 p.m. Alderman Feldman moved to reconvene into Open Session and recess. Seconded by Alderman Wynne. Motion carried. No nays.

Mayor Morton reconvened the City Council at 9:06 p.m. in the City Council Chamber.

ANNOUNCEMENTS:

Parks/Forestry & Recreation Director Doug Gaynor announced that effective Friday, August 1; beaches would begin closing at 7:30 p.m. because the days are shorter. Through Labor Day weekend, beaches will be open from 10:30 a.m. to 7:30 p.m.

Mr. Gaynor announced that the 31st Annual Lakeshore Arts Festival would be Saturday and Sunday, August 2-3, from 11:00 a.m. to 6:00 p.m. in Dawes Park. The festival show cases fine art from more than 125 juried artists, live jazz, classical music and family activities. There will be food booths and the festival is free.

Mayor Morton proclaimed
Tuesday, August 5, 2003 **National Night Out**

Community Service Awards:

Mr. Gaynor stated that Evanston would not function as well as it does without the support and contribution of time, money and service from volunteers and community groups. It was an honor for the Parks/Forestry & Recreation Department to publicly recognize and thank individuals and organizations. Nominations for awards are sent to a joint panel representing the Illinois

Parks and Recreation Association and the Illinois Association of Park Districts. These service awards recognize ongoing support in the field of parks and recreation. Recipients are chosen on the basis of nominations from their local agency. Charles Smith was recognized, having served for more than eight years as president of the Ladd Arboretum Committee, a City board responsible for oversight of the Evanston Ecology Center, a division of the Parks/Forestry & Recreation Department. At the same time Mr. Smith served as president of the Evanston Environmental Association (EEA), a membership organization that supports the City-owned Ecology Center. As president, Mr. Smith set the direction for the organization's vision for the future; oversaw investment guidelines for public/private partnerships that enhanced operation of the Ecology Center. Under his guidance EEA has prospered and undertaken an ambitious construction project that is providing a \$750,000 building addition to the Ecology Center, funded through private donations and grants. Mr. Smith was recognized for his enthusiasm, excellent communication skills, future-oriented vision and ability to work effectively with City government. Mayor Morton presented a plaque as a token of appreciation for his contributions.

Mr. Gaynor reported in 1974, local citizens successfully funded building the Ecology Center in Ladd Arboretum. It was given to the City when completed. These same citizens founded the Evanston Environmental Association, an independent group that advocates for environmental and ecological issues of importance to the Evanston community. A non-profit organization, EEA supports the Ecology Center, Ladd Arboretum, fog houses, Grosse Point Lighthouse, and the Dr. Marjorie Carlson Greenhouse at Lighthouse Landing, staffed by the City. EEA is dedicated to promoting growth in these facilities and their tradition of private funding continues today. Construction is almost complete on a new classroom/exhibit space at the Ecology Center. Donations are being accepted for this expansion. The City is grateful for EEA's promotion of environmental and ecological issues and generous support of programs. Mayor Morton presented the service award to Jean Esch and Irene Gregory.

Mr. Gaynor noted in 1985, Evanston's Environmental Control Board examined ways to implement recycling, reduce litter, and tackle other related problems. It was determined communities with membership in Keep American Beautiful could reduce litter by 60-80% overall and were leaders in waste reduction. In 1986 Keep Evanston Beautiful, Inc., was chartered by the City as a non-profit volunteer group of citizens representing government and residents. Keep Evanston Beautiful supports and contributes to environmental education programs to encourage preservation of natural resources. KEB promotes waste reduction through recycling, purchase of recycled products and encourages neighborhood beautification. With support from KEB, curbside recycling was adopted in 1989. Over the years KEB has introduced many programs such as Trashbusters' Day, an Earth Day contest, Can Man mascot, household battery recycling, the school/garden initiative and their annual garden walk, which debuted in 1989 and is a significant revenue source. Evanston is a cleaner, more beautiful place because of the dedication of KEB's 100 members. Mayor Morton presented the service award to Nancy Burhop, president of Keep Evanston Beautiful.

Mr. Gaynor stated the Evanston Youth Hockey Association (EYHA) manages a popular travel hockey program that has skated at the Robert Crown Ice Complex more than 20 years. Over the past few years, EYHA has been particularly helpful to the City with its hockey program. They have supported new programs the City has implemented through the Youth House League and Learn to Skate programs. EYHA supports the City's programs through equipment donations and by mailing flyers on the Learn to Skate programs. Their fund-raising activities lessen the financial burden on Evanston families. EYHA offers scholarships to families who have more than one child playing hockey. They also offer scholarships to youth who have the skills and are willing to commit to a traveling organization when families cannot afford the season fees. Mayor Morton presented the plaque to EYHA President Jeff Harlow in recognition of their many contributions to Evanston's youth.

City Manager Roger Crum thanked Mr. Gaynor for bringing forward volunteers who help make Evanston what it is.

COMMUNICATIONS: None

CITIZEN COMMENT:

Ann Dienner, 1034 Sheridan Rd., quoted a July 24, 2003 editorial by Ada Louise Huxtable in the *Wall Street Journal*, titled "No Games with Ground Zero, Please." She discusses the redevelopment of ground zero in New York City and recommended it those who are interested in redevelopment and preservation. "Ground zero is not the usual high stakes real estate game to be played for top profit at the bottom line by whatever means are available. Manipulating the system is not going to work here. As gross as this reasoning is, it is the kind of self-interested opportunism that has been honed to a fine art by New York's builders. It is easy to understand. Developers are deal makers. They have never been known

for their sensitivity to design or the urban environment. They are notoriously tone-deaf architecturally.” She cited this as a caution to Council and citizens because it can apply here and covers not only private but institutional developers.

Robert Nierodzik, 1820 Crain St., a 44-year resident, was asked to attend a Council meeting due to another, in a long list of faux pas by Council and its boards, commissions and committees or their “so called” experts/consultants. He said it adds fuel to the argument that they should return to an 18-member Council. He related at the June 23 meeting all except Alderman Newman, who was absent, approved funding for a streetlight banner program in his and adjoining neighborhoods. This was done based upon a decision by the Economic Development Committee, which assumed that Dickelle Fonda was correct in warranting she represented her neighborhood. The problem with the EDC’s assumption was that Ms. Fonda does not. She represents those who are actively involved with or are integral members of her association. The same applies to any of the City’s neighborhood groups, particularly those who do not publish a newsletter to keep residents informed. This past weekend, he and neighbors attempted to find out whether her warranty was valid. He presented copies of petitions signed by residents and was told by Ms. Fonda that the semantics of the questionnaire were incorrect. That is his error to bear, but it did not change the results or comments received. Neighbors could attest those results. He admonished Council for letting one person have \$10,000 of taxpayer dollars for a pet project without any confirmation. He hoped they differentiated the inferences of traffic control devices and streetlight banners. He asked, if the City’s traffic management policy must be adhered to for a stop sign to be erected on his street, why was it not followed for Ms. Fonda’s personal agenda? Both were quality of life issues. The 69 signatures gathered, represented a small portion of residents affected but were more representative than her warranty. All indicated they were either unaware of or disapproved of the funded proposal. He asked, in their names, that Council consider the petitions.

Julie Westbrook, 1924 Lee St., co-watch coordinator for West Crown Park Neighbors (Greenleaf on the north to Main on the south; east on Dodge and west on Grey) came because Mr. Nierodzik contacted her and other neighbors about the banners. This banner project was presented to her neighbors about six weeks ago where about 30 residents attended as well as the alderman. The program was greeted with enthusiasm. Since all have her phone number, she thought if there were negative comments she would have heard. It’s true she did not poll the 150 households in her area so she did represent all households. They received a positive response to the project and it was viewed as something that would give cultural pride to their neighborhood, which people favored. Many people are happy this was passed.

Kirk Irwin, 343 S. Dearborn, Chicago, former chair of Preservation Commission, learned recently the City was completing negotiations with NU in relation to creation of the Northeast Historic District. As co-author of the recommendation sent to Council, he noted that the commission’s work was upheld by a federal judge, as was the right of a municipality to enact legislation. He said today it is a modified, smaller district than originally proposed. A modified district was adopted by Council in response to requests of segments of the community who were given the opportunity at Council to opt out of the district. The result of this is that the work of the commission strengthened historic preservation policy nationally by virtue of its being upheld at the federal level, while a sense of disenfranchisement was set in motion locally. Instead of finding ways to disagree within the political process, people asked to be excluded from the political process itself. The beginning of this pattern is now evident, when one recalls during the deliberations, opponents to the district did not define how their point of view served the public purpose. NU continues this pattern by asking for preferential treatment from the City, while at the same time accusing the City of not treating them equally under the Preservation Ordinance. He recalled the signs that read, “No thanks to forced preservation” were similar. Historic preservation is not a nuisance and should not be limited to fixing up stand alone monuments by wealthy people and institutions. Historic preservation is a legitimate planning tool that ensures the integrity of neighborhoods, streets and parks, thereby maintaining a high quality of life for people who live in and around these streets and parks. He urged them to review the negotiated settlement to eliminate any possibility that the commission’s work would be reversed; urged to remove from the settlement anything that would set a precedent for people to pull out of civic dialogue.

Barbara Gardner, 1015 Dobson St., Preservation Commission chair, said the judge in the lawsuit upheld the legality of the Northeast Historic District. Therefore, no properties within the district should be part of a negotiated settlement. She quoted from the Preservation Ordinance, Section 2-9-6. Amendment and Rescission of designation, which she urged them to read. The most important is Section B, which says: (B) “The Council shall rescind or amend a designation only after all of the above procedures have been followed. The Council shall rescind a designation only upon a finding that the designated landmark or district no longer meets the criteria for designation in Section 2-9-4 (Ord. 12-O-94).” To date

no one has appeared before the commission regarding the properties that are being considered for exclusion from the historic district. She stated that Council voted this ordinance in and it was up to them to follow their own rules.

Betty Ester, 1806 Grey St., spoke about establishing a moratorium in the 5th Ward, noting they would take a vote at the request of the 5th Ward alderman. Two votes have been taken on moratoriums during her life in Evanston. She said if they looked at voices for/against these moratoriums, they will find these are the same words current residents for and against the moratorium are speaking. Tonight, 5th Ward residents support the moratorium as they did for the 3rd and 2nd wards. Ms. Ester reported the P&D Committee had voted to suspend the rules, so aldermen would vote that evening.

Roberta Hudson, 1941 Dewey Ave. asked Council to support the moratorium because it would allow 5th Ward residents time to complete the planning process that is in final draft stage and to establish a conservation district. She noted they were requesting only 180 days to include the 5th Ward in the purpose and intent of the Zoning Ordinance and the Comprehensive General Plan. She urged a "yes" vote.

Gary Joyce, 2859 Central St., has owned a number of properties in the 5th Ward for 18-20 years; raised his family here and is now a Glenview resident. A beautiful thing was that when they started the neighborhood planning process, they were told everybody was a stakeholder. That was encouraging for them, even though over the years he kept up his property, there have been discouraging words used to describe landlords in the 5th Ward. He noted they had worked for about a year and a half on the process with the Plan Commission and one of the results was, rather than hearing from a few people in the 5th Ward, it has brought more than 100 people from the community to sit down in committees, which has been a helpful process. Sometimes it was contentious but that is understandable given that people have their points of view. The benefit of this was they got a chance to talk to and listen to one another. It was for that reason that he was disappointed that Alderman Kent felt it necessary to stop that process, and instead, to implement something quite different. Tonight he heard that kind of thing would take place and continue because there is a specific outcome that Alderman Kent seeks. He was asking them to consider, that many people have worked for a long time should also be considered. Also their property rights should be considered. He believes they have property rights for good reason and he trusts the zoning and building processes. He did not think they needed the extraordinary level of a conservation district, which has not been well defined. He read the moratorium is for six months and could be extended beyond. There is an opportunity when involved in business and that opportunity should be respected and not rescinded for one specific group's agenda. They had a couple of straw votes and Alderman Kent very ably gave his position on these matters and has continued in an able manner to do the same. The outcome of the people who month after month go to these meetings that are now going into the second year when people like himself, who has heard these opinions for years have simply rejected the arguments. He spoke and the vote was 11-2 after Alderman Kent gave his best opinions. No matter who comes, it seems like there are others who cannot speak. This has been an open process and he wanted that to continue, rather than this other process which is the moratorium He urged a vote against the moratorium.

Andrew Spatz, 1220 Main St., 20-year resident, in conjunction with Mr. Joyce, said anywhere in the City that the vision expressed in the 2000 General Plan and mentioned in this ordinance, is happening in the 5th Ward where affordable housing, incubator space for local buildings and adaptive re-use of properties is taking place and the evolving vision from the two year old planning process. He said if they looked closely at the ordinance, specifically page five, it is filled with non-facts. It says there are all sorts of teardowns going on and he does not see them. It talks about the strain that will be put on existing sewer and water. The impact on this would be minimal. He noted if 40 bathrooms were added to anything it changes the size of the pipe by 16-inches. He thought Evanston's sewer system could handle that. Ten huge houses would not be added in this ward. There is low-income housing happening in this ward. He does not think they need to stop what is already happening with any help from a moratorium. It sets a bad precedent for people who want to do things in the neighborhood where at any moment the existing rules and regulations, decisions by zoning and Site Plan Review could get thrown out and stop things. This is especially important at this time when interest rates are getting ready to go up. This next 180-day period could be sensitive to many people.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Feldman moved Council approval of the Consent Agenda with the following exceptions: Resolution 44-R-03 – Honorary Street Name: Delores A. Holmes, Resolution 45-R-03 – Honorary Street Name: William Hannan, Ordinance 61-O-03 – Establishing a Moratorium in the 5th Ward, and Ordinance 69-O-03 – Planned Development: 1100 Clark

St./1719 Ridge Ave. Seconded by Alderman Rainey. Roll call. Voting aye – Kent, Moran, Tisdahl, Rainey, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein. Voting nay – none. Motion carried (9-0).

*** ITEMS APPROVED ON CONSENT AGENDA**

MINUTES:

* Approval of Minutes of the Regular City Council Meeting of July 14, 2003. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

ADMINISTRATION & PUBLIC WORKS:

* Approval, as recommended, of the City of Evanston payroll for the period ending July 17, 2003 and the City of Evanston bills for the period ending July 29, 2003 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 07/17/03)	\$2,135,634.99
City of Evanston bills (through 07/29/03)	\$2,370,413.92

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

* Approval of the lowest responsive and responsible bid from National Power Rodding for heavy sewer cleaning of a 60" diameter sewer, at a cost of \$31,187.50. (Funding is the Sewer Fund.) * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the lowest responsive and responsible bid from Bigane Paving Company for the Howard Street Resurfacing Project at a total cost of \$794,067. Evanston's share is \$507,592; by agreement, Chicago's cost will not exceed \$286,475. (*Howard St. is 2/3 Evanston-owned and 1/3 Chicago-owned.*) (Funding is GO Bonds.) * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the lowest responsive and responsible bid of Kovilic Construction Co. for a portion of the Chicago Avenue Streetscape project at a cost of \$205,096.50 (Funding is GO Bonds and development funds from Dubin Residential Development.) * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the lowest responsive and responsible bid of Clauss Brothers Inc. for James Park Soccer Field renovation at a cost of \$123,142.83. (Funding is from 02-03 GO Bonds) * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of contract amendment #2 with MWH Americas, Inc. for services relating to modifying the contract plans and specifications and providing assistance to re-obtain the required MWRD and IEPA construction permits, on Phase VI, Contract B, Relief Sewer Project, increasing the compensation ceiling by \$43,549.79 from \$869,163 to \$912,786.39. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Change Order #5 with Skender Construction Co. for the Fire Station #3 project, decreasing the cost of the project by \$7,488.50, from \$2,391,481.42 to \$2,383,992.92. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Change Order #6 with Skender Construction Co. for the Fire Station #3 project, increasing the cost of the project by \$1,452.29, from \$2,383,992.92 to \$2,385,445.21. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)



* Resolution 38-R-03 – Agreement with the Chicago Botanic Garden – Consideration of proposed Resolution 38-R-03, which authorizes the City Manager to sign an agreement with the Chicago

Botanic Garden to conduct horticultural therapy services at the Levy Senior Center Courtyard Rothschild Garden. (Funded through a grant from the Rothschild Foundation.) * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Ordinance 71-O-03 – Increase in Class B Liquor Licenses – Consideration of proposed Ordinance 71-O-03, which would increase Class B liquor licenses (not to exceed 11 at one time) with the addition of REB Restaurant Group Ltd., dba Koi Chinese & Sushi, 624 Davis St. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 72-O-03 – Increase in Class B Liquor Licenses – Consideration of proposed Ordinance 72-O-03, which increases Class B liquor licenses (not to exceed 12 at one time) with the addition of That Little Mexican Café, 1010 Church St. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 73-O-03 – Increase in Class C Liquor Licenses – Consideration of proposed Ordinance 73-O-03, which increases Class C liquor licenses (not to exceed 20 at one time) with the addition of Asado Brazilian Grill, 1012 Church St. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 78-O-03 – Easement Agreement with Northwestern University for Subsurface Installation of Telecommunications System – Consideration of proposed Ordinance 78-O-03, which authorizes the City Manager to execute an easement agreement with Northwestern University for subsurface installation of a telecommunications system. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 57-O-03 – Limiting the Number of Parking Permits to that of Legal Residents in a Dwelling Unit – Consideration of proposed Ordinance 57-O-03, introduced July 14, 2003, which issues parking permits only to the number of legal residents in dwelling units. * ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

* Ordinance 65-O-03 – Easement Agreement with 525 Chicago Avenue Corp. (Dubin Development) – Consideration of proposed Ordinance 65-O-03, introduced July 14, 2003, which grants a subsurface electrical service easement on the r-o-w adjacent to 525 Chicago Ave. to 525 Chicago Avenue Corp. * ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

* Ordinance 66-O-03 – Addition of Metered Parking, Taxi Stand, Loading Zone near the 1800 Maple Avenue Self-Park Garage – Consideration of proposed Ordinance 66-O-03, introduced July 14, 2003, which amends Sections 10-11-7 & 10-11-12 of the City Code to add a taxi stand and passenger loading zone near the 1800 Maple Avenue Self-Park Garage, and to expand metered parking in the area. * ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

* Ordinance 67-O-03 – Removal of Loading Zone – Consideration of proposed Ordinance 67-O-03, introduced July 14, 2003, which amends Section 10-11-7, Schedule VII(B) of the City Code to remove loading zone at 1416 Dewey Ave. * ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

PLANNING & DEVELOPMENT COMMITTEE

* Resolution 43-R-03 – Honorary Street Name: Recognizing Fountain Square Veterans Memorial Plaza – Consideration of proposed Resolution 43-R-03, by which the City Council would approve the recommendation of the Citizens' Advisory Committee on Public Place Names to place signs at Davis, Sherman and Orrington abutting the veterans' memorial and fountain, with the honorary name of Fountain Square Veterans Memorial Plaza in honor of Evanston's Gold Star veterans. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Alderman Moran reported Ordinance 78-O-03 was referred back to the committee.

PLANNING & DEVELOPMENT:

Resolution 44-R-03 – Honorary Street Name: Honoring Delores A. Holmes – Consideration of proposed Resolution 44-R-03, by which the City Council would approve the recommendation of the Citizens' Advisory Committee on Public Place Names to name a section of McDaniel Ave. between Church and Lyons streets in honor of Delores A. Holmes.

Alderman Bernstein moved approval and asked to have this removed because someone who has given as much to Evanston as has Ms. Holmes should not be considered on the consent agenda. Seconded by Alderman Kent. Voice vote. Motion carried. No nays.

Resolution 45-R-03 – Honorary Street Name: Honoring William Hannan – Consideration of proposed Resolution 45-R-03, by which the City Council would approve the recommendation of the Citizens' Advisory Committee on Public Place Names to name a section of Wesley Ave. between Grove St. and Elinor Pl. in honor of William "Bill" Hannan.

Alderman Bernstein moved approval. Seconded by Alderman Feldman. Alderman Jean-Baptiste said Bill Hannan's family had asked that an honorary street name be dedicated to him. Mr. Hannan was principal at District 65 Dewey School and fought in the 1960s to integrate Dewey School. Voice vote. Motion carried. No nays.

Ordinance 61-O-03 – Establishing a Moratorium in the 5th Ward – Consideration of proposed Ordinance 61-O-03, which establishes a building permit moratorium for construction of new residential construction other than single-family residential in the 5th Ward.

Alderman Bernstein said the committee reported no vote on this. He moved introduction of Ordinance 61-O-03. Seconded by Alderman Feldman. Marked introduced.

Alderman Bernstein moved to Suspend the Rules to adopt an ordinance at the meeting in which it was introduced. Seconded by Alderman Kent.

Roll call. Voting aye – Kent, Moran, Tisdahl, Rainey, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein. Voting nay – none. Motion carried (9-0).

Alderman Bernstein moved approval. Seconded by Alderman Kent.

Alderman Jean-Baptiste moved to amend the ordinance to shorten the moratorium to three months, effective November 1, 2003. Seconded by Alderman Bernstein. He reported discussions at the last three meetings showed there is a lot of activity in the 5th Ward and at the same time there is a cry from residents to stop, especially from Alderman Kent so citizens can work on some mechanism so that work done there is beneficial to residents. Given the fact that the construction season is down in the winter months will give everybody time to do what they need to do. That is the compromise. There were many good ideas put on the table by opponents of the moratorium. He thought there could be integration of those ideas in future plans and perhaps still could be done.

Alderman Kent said he picked 180 days because that would guarantee enough time for them to come back with something to the P&D Committee. A concern was that they get to the end of the 180 days and then would ask for an extension. If they reached the end of 180 days and were not ready, he felt an extension should be granted. He had no problem with the 90 days but thought three months puts pressure on the community and asked to make it four months, which would give residents a chance to hit the ground running. His duty would be to get residents back so there is no need for an extension. Adding another month would make the moratorium 120 days. He wanted input from colleagues

on the November 1 date. He pointed out that the Building Division could be flooded with permits. They have a permit dated July 14 from Neal Davidson about the possibility of six new town homes, selling for \$180,000 and possibly coming from HOME funds. What frightens him is not that the town homes won't be good, but that is the purpose of the moratorium. Just as this was pulled out at the request of whomever, the whole community was totally aware of it including himself. He wondered if they would be flooded with requests by those who are concerned about their building projects. He suggested starting the moratorium in October so that only August and September are open. A moratorium during October, November, December and January – would require the help and resources of Preservation Coordinator Carlos Ruiz and Community Development Director Jim Wolinski.

Alderman Jean-Baptiste said the planning study is ongoing and because the issue was so controversial, they need to balance it. People who want to winterize will submit permits. He thought the moratorium could be extended to four months because people need time now to get themselves ready; his suggestion was the extra month be tacked on at the end in February instead of October so that whatever planning process can be ongoing. Seconded by Alderman Bernstein.

Alderman Kent said a four-month moratorium was agreed to, but he wanted it to start in October. He said the average folks in the community began this planning study with surveys block by block and house by house. He has found that for those who can purchase services, it comes faster than for those who have to take time from work, meet at a desired location and spend their weekends serving. He wanted feedback on leaving this open until November and if that is the will of Council, he would go along. He thought starting (the moratorium) tomorrow, for August, September, October and November, waters down what they seek to prevent and, to some extent, moving to October does too. He wanted comments on beginning the moratorium in October.

Alderman Tisdahl needed help on the reasons for the moratorium. The only examples given by Ms. Hudson of teardowns of existing single-family residences followed by construction of multi-family housing built to the maximum of permitted zoning regulations that had a negative impact, included the one the City helped build for low-income housing. She asked if there were other examples of new construction of concern to neighbors resulting in effects upon neighborhood character, parking, traffic, drainage, water runoff, blocking of their movement and light, casting of shadows. She needed addresses that are examples of this. Mayor Morton said that would come from staff. Alderman Tisdahl had information given by staff and wanted to know if there were other examples.

Alderman Kent said teardowns are the least of the problems. Unlike the 6th Ward, the problems he was talking about cannot be run on a map on and physically they have to walk to and see. When the ordinance was written, it says it all, not necessarily the part that Alderman Tisdahl read but what they try to do with every matter that deals with neighborhoods. He read from the ordinance: "WHEREAS, the purposes and intents of the Zoning Ordinance as set forth therein include "promoting the public health, safety, comfort, morals, convenience, general welfare, and the objectives and policies of the Comprehensive General Plan, as adopted and amended, from time to time, by the City Council." Why? "Preventing the overcrowding of land by regulating and limiting the height and bulk of buildings hereafter erected, as said buildings related to land area. Establishing, regulating, and limiting the building or setback lines on or along streets, alleys, and property lines. Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within the surrounding buildings;" The problem in the 6th Ward is more concrete than what is happening in the 5th Ward. Dangers to residents or that residents could lose their community is much the same as it is in the 6th Ward. He thought that should help gather her concern points. The proposal before them does not stop development. They have said they want 120 days of fresh air so they can get their arms around some things they haven't realized in the 5th Ward for a variety of reasons. He stated that Mr. Wolinski provided a packet at the last Council meeting, in which there were many problem houses. However, if one stood on the street and looked at them, to anybody unfamiliar with the area, they might see a decent house. The problem in the 6th Ward is the same as the 5th Ward only on a different scale. He believes teardowns were put in by (City) Attorney Szymanski, who was fresh from the 6th Ward moratorium, and that was why it was included. It did not mean teardowns don't exist but not in the same numbers as in the 6th Ward. He did not have addresses; suggested walking there or they could be obtained from Mr. Wolinski. They would not be in the same makeup as in the 6th Ward, but they will find other problems.

Alderman Newman said this amendment would not help Alderman Kent accomplish what he wanted. The number of days may work. He said with a moratorium they try not to create a rush to the building permit office. Everybody knows

a moratorium is on, and if started in October or November, it gives anybody who is thinking about doing anything a window of opportunity to get their permits, because they are not subject to the moratorium. If he wanted a 90-day moratorium and a *real* moratorium, it needed to start now. He did not know why it was being suggested the other way. If in the 6th Ward they had started the moratorium five months later, there would have been a bunch of teardowns. He said to do whatever he wanted, but this creates a rush on the permit office. He did not know what they were doing here.

Alderman Kent agreed with Alderman Newman that the window of opportunity was longer with November and October would be shorter. He thought all knew what they were dealing with. He has only had comments from the P&D Committee. He thought the moratorium should start when this ordinance is passed and did not know the feelings of his colleagues. He appreciated Alderman Jean-Baptiste's suggestion and was not terribly against it. To say he would rather have that than starting the moratorium the next day, there's was no comparing the two options. He did not think that Alderman Jean-Baptiste suggested that it would open a window of opportunity but suggested it because he wanted a compromise. He was glad this ordinance came from P&D Committee without a recommendation. He did not think there was anything in the ordinance that killed anything. He wanted comment on beginning the moratorium in October or November or as they have always done.

Alderman Feldman favored the compromise; thought there was grassroots support for that position. It was hard to let the neighborhood walk away without some vote of confidence of their aspirations. He supported both a 90-day and 120-day moratorium and hesitated on a longer period. He advised starting the moratorium as early as possible. He could support a 120-day moratorium starting October 1 or even September 1.

Alderman Bernstein said he had observed positive development in the 5th Ward; recalled discussing the Dr. Hill project and other projects that Alderman Kent was excited about and thought he understood what he was trying to do. He did not want to preclude people who are well meaning, and are doing good things for the 5th Ward. If his intent is to allow 5th Ward residents to maintain their residence, he did not know if they were in time or not. He believes this is the last bastion of "reasonably priced property." Now there is riparian property in the 5th Ward at the canal, which would become fashionable soon. He did not want to undo some of the good that has been done; knows this committee has been meeting in good faith. He has read the minutes and saw that the meetings were well attended by people who are trying to make a difference. His concern was that the good that is being accomplished could be stifled. He did not think people would race to buy properties before the November 1 deadline; would extend the deadline four months, but thought a 90-day period with a review would do it. He wanted to create a balance so the people of good intentions and the alderman could get together for the benefit of the ward. He supported the compromise with the moratorium beginning November 1 and a four-month delay of the moratorium. His underlying concern was that it may be too late. Those people may already be priced out of contention for the property.

Alderman Rainey asked if the moratorium would affect residential development that is re-use of a commercial property. No. She was thinking of redevelopment in the MUE areas. She asked why it would not. Alderman Kent said neither business nor MUE areas are in and the ordinance applies only to residential districts. Alderman Rainey needed reassurance that business and MUE were not included because any residential development that takes place in a non-residential area is the creation of new housing units. Every single new housing unit, regardless of price, adds to the quantity of housing which allows some at the bottom to move up to another unit. She wanted to know why development of new multi-family housing in a non-residential district was not included. She did not see that it was excluded in the ordinance. Alderman Rainey stated they need to hear from staff on what they can produce in 90-days or 120-days. She wanted to be sure if the moratorium passed, when it is over, will there be relief for some people who have projects. She asked if a construction permit had been filed for the six townhouses or is it the next project for that developer. She thought a developer does not have to present construction drawings and go to SPARC for a concept review. They can have their project looked at and get ready for the next step. Community Development Director Wolinski explained there is a building permit application for the six townhouses; an application for a zoning analysis and they don't have complete construction drawings. There is also a request from Mr. Davidson for a City subsidy for the townhouses. He thought Davidson wanted to make three affordable and is asking \$60,000 each for a total of \$180,000. He said this application is in the pipeline. Without the City subsidy he did not know whether it could go forward. He said the intent may not have been to affect redevelopment in the MUE district as far as taking industrial or commercial property and using it for housing. He does not see that in the ordinance and perhaps something needs to be constructed to allow that kind of

housing to go forward. Alderman Rainey said that every creative idea for developing new units of housing ought to be embraced. Evanston has a huge need for housing, so that someone isn't displacing someone else, having to buy their home to produce new housing for another class of people. She thought that should be encouraged and was pleased she did not see language in there that precludes the re-use and re-development of commercial and industrial property for housing. Based on some creative work in the 5th Ward, she pleaded with them to come to the 8th Ward.

Alderman Kent said Mr. Wolinski's comments concerning the MUE district were on the mark. He said many times he has raved about the live-in work space created by John Lienenweber. They have bus barns and broken down buildings. That has been an improvement and an instance where everybody's vision was met. The important thing is not to displace people. There are three business districts in the ward that could provide significant development. They don't want to stifle the MUE district. Mr. Spatz had a project there and was concerned he would be stopped. He said this is not about stopping development. What it will do is provide the residential areas some empowerment to create a balance, if they haven't lost already by pricing folks out. It gives those who want to stay the opportunity to stand toe to toe and find the direction they want their community to go. If he feels that something needs to be in regarding the business districts, which will not be touched, he was not opposed to that. There is a lot of interest in those areas. The heart of the 5th Ward is residents. If his predecessors did not have the foresight to buy those houses, they would not be having this discussion. The only reason the 5th Ward is still standing, and everybody has not been priced out, is due to the high number of homeowners over the years. Whether those people are of moderate income and cannot move north or east, and now cannot go to Rogers Park, people have stayed in those homes. He said they are trying to preserve residential areas.

Alderman Feldman asked the maker of the motion to start the moratorium November 1 to repeat it and the chair of the P&D Committee whether the people involved in development and home building in the 5th Ward have testified a preferred date for the moratorium and why.

Alderman Jean-Baptiste said it was a compromise and suggested November 1 because winter is a slow construction season. Those doing constructing could afford to stop. Proponents of the moratorium would have four months to put together necessary measures to protect their interest they are seeking to protect. He did not see a rush that would be detrimental; thought developers rush in the fall due to the upcoming slow construction season.

Alderman Bernstein reported no testimony from developers at the P&D Committee that would suggest a compromise. They don't want any moratorium and their hope is to continue a dialogue with the Neighborhood Plan Commission and go forward with what they believe is proper development of the 5th Ward.

Alderman Rainey said the rush to get things done is what is prohibited by this ordinance. Because construction cannot be done, does not mean one cannot apply for permits. That was why she had problems with the dates. She suggested an amendment to line six on page 7 of the ordinance. After it lists properties included in the ordinance, "two-family dwellings, and multiple-family dwellings" add "in the R2 and R3 districts."

Alderman Jean-Baptiste said his amendment was for a four-month moratorium beginning November 1. Alderman Kent reiterated that he wanted the moratorium to start the next day and wanted Alderman Jean-Baptiste to go with October 1. However, if they all wanted to go with November 1, that was fine.

Roll call on four-month moratorium. Voting aye – Kent, Rainey, Feldman, Newman, Jean-Baptiste. Voting nay – Moran, Tisdahl, Wynne, Bernstein. Motion carried (5-4). Voice vote to start moratorium November 1. Motion failed.

Alderman Newman moved the moratorium start October 1. Seconded by Alderman Moran. Roll call. Voting aye – Kent, Rainey, Feldman, Newman, Jean-Baptiste. Voting nay – Moran, Tisdahl, Wynne, Bernstein. Motion carried (5-4).

Alderman Rainey said a 90-day moratorium is sufficient. She moved that the second line on page seven of the ordinance be amended to change a 120-day moratorium to 90-day moratorium and in the sixth line, after multiple family to add "in the R2 and R3 Districts." She thought to blanket a moratorium for every district made no sense and that they had to single out those districts they are talking about. The concern is about single family homes. There was no second.

Alderman Bernstein said the intent of the P&D Committee was to get a vote that evening and sensed a reticence to get

a consensus. He wanted to discuss this with Alderman Kent and developers and moved to hold this with an October 1 beginning. Seconded by Alderman Rainey

Alderman Jean-Baptiste said P&D has had this for three meetings and did not vote. He suggested they make a decision. It is at Council now and they should try to resolve it. Alderman Jean-Baptiste moved to override the holdover.

Alderman Rainey had come expecting this to be introduced and when something is being introduced she does not do as much work as when it is for action. She would have conferred with Alderman Kent on this; had no idea they were going to suspend the rules until she heard it in the P&D Committee. She said this is being pushed through and it is too important to do that. She thought all residential was included but it was not specified in the ordinance. She suggested they all need to do more work on this and, at the next meeting, make it a special order of business and vote.

Alderman Kent said they had established some important parameters, such as the time and when it will start. He did not think that any expected it to come to the Council without a recommendation. He welcomed suggestions that would help support 5th Ward residents. The holdover gives an opportunity for those against the 5th Ward moratorium and also grants a forum for residents who support it. He had no problem with holding it over. If there is a possibility to get those who voted no, that would be rewarding. If there is not an opportunity to do that, so be it. He said they were at a point where people need to know their concerns are being heard and they needed to vote this up or down. He recalled that he and Alderman Drummer disagreed on just about everything, but two things they agreed on was what would be good for kids and a phrase Drummer often used, "either you stand for something or you fall for everything." He was willing to stand and lose. He was interested in creating balance and if holding it over would help create a better balance, he welcomed the opportunity. He hoped misinformation had been thrown out. He hoped that what would stand firm was, yes, there has been some good development in the 5th Ward. The last stand they have is the homes they own. He thought about a conversation with Jack Korshak. They talked 14 years ago about being able to control what comes into one's ward, because not every development is good and not every developer has a commitment to the community. If they can stand on those principles he was happy to hold it over.

Alderman Feldman, not a P&D Committee member, was not at every meeting or the entire meetings he attended but witnessed the passion of all who spoke and believed they were right. Listening to the certainty with which people articulated their case, it was difficult for him to see how that will change. He saw people talking "at" each other, not "with" each other. He understands when somebody comes before a tribunal, states their case and asks somebody to make a decision. What they had were strong opposing sides. Each refuted the other. He would encourage talking with each other. Even if the outcome is the same, the experience of a dialogue where each listen to others would be good. He does not know what the chairman has in mind. He saw little profit in having another meeting to repeat what they saw. Everybody came at this with a different point of view. He has never been in a situation in which it was so difficult for him to cast a vote. In all the arguments, there was nothing that made it clear to him. It was a cloudy, foggy dialogue, nothing of which was proven with name calling, fears and anxieties expressed, so it was never clear. He thought that was reflected when the P&D Committee could not recommend anything. He did know that the majority of Council suggested a four-month moratorium to start October 1. He asked Alderman Bernstein what would happen in the next two weeks that would make any difference without getting people more furious with each other?

Alderman Bernstein said they need the two weeks because of the passion that everybody came with before the committee. He did not think anybody wanted to harm the 5th Ward. He wants to get people together to talk with each other. He thought this could resolve itself because his sense was there are members of the development committee, if given a chance, would probably help develop some of the things Alderman Kent wants developed. He said that there are many boarded up houses in the 5th Ward. People want to make a profit, not necessarily a bad thing. Even people who own homes in the 5th Ward, when they sell, want to make a profit. That is the problem. He found the debate strange and confrontational. It was bifurcated so many times due to lengthy agendas in the committee meetings, watching the clock and a failure to communicate. He wanted to see if they could work together as they have with developers who have done great things in the ward with Alderman Kent's assistance. He wanted to expand on that. He was trying to feel Alderman Kent's pain about the gentrification that is going on but at the same time, he wants to take people committed to the ward and see if something can be worked out. He thought it could be accomplished. What they want to do is hone together Alderman Kent's vision and the developer's vision. He has seen them drift further apart. Alderman Bernstein thought the developer's concerns and Alderman Kent's were the same for the benefit of the 5th Ward.

Alderman Rainey reminded Council what Section 9 of the moratorium ordinance states: "This ordinance shall take effect immediately upon its passage, due to the urgency of implementing a moratorium as aforescribed to prevent inconsistent and incompatible development." It does not say to set a future date so people that have permits can apply and nobody is doing work in the wintertime. It is not to make a moratorium convenient. A moratorium is implemented because of an emergency situation that is allays. That is not what they are doing. If the holdover is not upheld and the reference to the R2 and R3 is not included in the final moratorium, she would vote against it.

Roll call to override the holdover. Voting aye – Jean-Baptiste. Voting nay – Kent, Moran, Tisdahl, Rainey, Feldman, Newman, Wynne, Bernstein. Motion failed (1-8).

Ordinance 69-O-03 – Planned Development: 1100 Clark St./1719 Ridge Ave. – Consideration of proposed Ordinance 69-O-03, which approves a recommendation of the Plan Commission to grant a planned development at Clark, Ridge, Oak and an alley into 6 residential buildings from 6 to 20 stories with some ground-floor commercial space.

Alderman Bernstein reported that this item was held in committee. He announced a special P&D Committee meeting has been scheduled for Thursday, August 14 at 6:30 p.m. and will be the first item at the regular P&D Committee meeting August 18.

Alderman Bernstein reported the committee did not address a porch/deck inspection ordinance, which was a communication. An amendment to the BOCA code regarding porches will be prepared and come in subsequent meetings due to the tragedy in Chicago.

Alderman Newman asked what had happened to Alderman Tisdahl's reference to change zoning at Kendall College made to the P&D Committee at the last meeting. The reference was also made to the Plan Commission.

CALL OF THE WARDS:

5th Ward. Alderman Kent thanked Council for their input saying the moratorium was one of the most important things for the 5th Ward. If it fails they will have to think of something else. In the weeks they are holding it over he would be happy to meet and discuss it with anybody. He wanted them to be clear where he stands. When they return they will not hear him say the moratorium is not necessary. They may be closer on agreeing what the moratorium will accomplish but the most important part of the work, they helped him do that day. People who came and those who watched saw Council struggle with a decision which they knew was hard, but went away and felt some protection.

6th Ward. No report.

7th Ward. No report.

8th Ward. No report.

9th Ward. No report.

1st Ward. Alderman Newman congratulated veterans on the honorary street name at Fountain Square. He hoped that the memorial would be kept up as it should be. Regarding the moratorium, he was concerned that they talk about developers because there is a need for people to invest in their community. He understood Alderman Kent's important concern about absentee landlords (who don't live here and buy a lot of property). As 5th Ward alderman, he looked to Alderman Kent to tell him goes on there and lead on matters of land use. He said they have to be careful and noted Alderman Kent had supported a lot of development. He did not think every development here has been negative.

He recalled they spent 20-25 meetings where people criticized the location of the new Levy Center or some part of the project. It continues to receive honors and recognition. He thought most people in the community were proud of the Levy Center. Transportation issues have been worked on. He hoped that everybody has had a chance to see the new garden,

which is amazing. It makes that building something all can be proud of; a great place for those who don't have a lot of money to have a wedding and a way for the City to get some income. During a recent Little League game in James Park the lights went out and they went over to the Levy Center where staff corrected the problem. He said a building like that belongs in a setting such as James Park. It is a great place for the community and everybody should admit that it was a correct decision to move the Levy Center there. While not popular with everybody, it has turned out to be a good decision and he was proud to be a part of it.

2nd Ward. Alderman Jean-Baptiste offered a defense of Dickelle Fonda's work in the 2nd Ward, a long-term activist who was respected by former Alderman Drummer. She worked with her neighbors to stabilize the community. On the banner project, she organized a meeting with Judy Westbrook to make sure the information got out and organized meetings of the Dewey-Darrow Neighbors plus a coalition of different neighbors on the east side to get information to residents. Whenever information is passed out in neighborhoods, even when a flyer goes in every mail box, not everyone will come or have read the flyer. He thought the money would be spent wisely.

He announced a meeting was scheduled to discuss ward redistricting Thursday, July 31, from 7:00-9:00 p.m. at the District 65 Hill Administration building, 1500 McDaniel Ave. All were invited. Redistricting is a necessary process that all municipalities go through due to the census conducted every 10 years. Evanston's census data revealed an imbalance in the voting age population in various wards. To protect the one vote, one person principle, the City must remap the wards to achieve voting age parity in each ward. The 2nd ward is one whose boundaries must change. There is a public hearing on redistricting scheduled at the Civic Center at 7:00 p.m. on Monday, August 4. Due to discussions with constituents of the 2nd Ward, they will have a general meeting where all can ask questions and give input.

3rd Ward. No report.

4th Ward. Alderman Bernstein congratulated Charles Smith, Irene Gregory, former 4th Ward alderman Jean Esch, Nancy Burhop and Jeff Harlow for jobs well done on behalf of the community. He thought it good that the work of Delores Holmes in this community is being recognized with an honorary street name.

He was depressed by the presence of construction holes around the City. Fitzsimmons, a tot lot on Lee St., has a gaping hole about 15-feet deep and he did not understand how contractors could leave a site as they do. There was yellow tape around it about five-foot high. He watched small children play there and saw it as an accident waiting to happen. Contractors are City agents and when they leave holes that are not protected or identified, something could happen.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 11:23 p.m.

Mary P. Morris, City Clerk

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