

**ROLL CALL - PRESENT:**

Alderman Moran  
Alderman Rainey

Alderman Feldman  
Alderman Newman  
Alderman Bernstein

A Quorum was present.

**NOT PRESENT AT  
ROLL CALL:**

Aldermen Engelman, Jean-Baptiste, Wynne, Kent,

**ABSENT:**

None

**PRESIDING:**

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, March 25, 2002 at 6:08 p.m. in the Aldermanic Library. Alderman Rainey moved that Council convene into Closed Session for the purpose of discussing matters related to litigation and closed session minutes pursuant to 5ILCS Section 120/2 (c) (11) and (21). Seconded by Alderman Feldman.

(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, Rainey, Feldman, Newman, Bernstein. Voting nay – none. Motion carried (5-0).  
At 7:05 p.m. Alderman Newman moved to reconvene into Open Session. Seconded by Alderman Wynne. Motion carried. No nays.

Alderman Feldman moved to authorize the City Manager to enter into a Memorandum of Understanding of settlement with the McNally Tunneling Corporation and Harza Environmental Services, Inc. Seconded by Alderman Bernstein. Roll Call. Voting aye – Moran, Engelman, Rainey, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent. Voting nay – none. Motion carried. (9-0)

The City Council then recessed so that aldermen could attend standing committee meetings.

**Annual Police Awards Program**

Commander Dennis Nilsson announced Volunteer, Fitness, Special Olympic and Citizen Commendation awards. Commander John Schroeder announced Unit Citation –NET, Partnership and Honorable Mention awards. Commander Michael Perry announced Police Commendation awards. Mayor Morton and Chief Kaminski presented awards to more than 60 individuals.

Mayor Morton reconvened the City Council at 9:15 p.m. in the City Council Chamber.

**Announcements:**

Public Works Director David Jennings announced that street cleaning and yard waste pickups would resume on Monday, April 1. The City is accepting yard waste at the drop-off site on Oakton on Friday, April 5. He announced an upcoming Evanston Bike Plan public meeting Thursday, April 4 from 7-9:00 p.m. in the Council Chamber. The purpose of the meeting is to give residents an opportunity to review the draft bicycle network plan developed by staff and consultants.

Mr. Jennings announced that work would begin on the Howard St. Streetscape later that week, which will span Howard St. from Ridge Ave. east to the CTA station. This is a joint project between Chicago and Evanston and will begin with relocation of a water line on the Chicago side, which they expect to be completed by June. There will be new curbs, gutters, sidewalks, street furniture, and identification signs for the area and a bridge sign for the Metra viaduct. Evanston's share of the \$3 million project is \$1.5 million.

**Proclamation: National Community Development Week  
April 1-7, 2002**

**Communications:** None

**CITIZEN COMMENT:**

Tensley Garris, Evanston Convention & Visitors Bureau Executive Director, said the bureau started in 1997, funded by the business community, the City and the Illinois Bureau of Tourism. It is an economic development tool, which over past years has increased visits to the community and tax dollars. She reported this year the bureau could track more than \$650,000 in spending as a result of the bureau's efforts. They have developed partnerships with Evmark, the Chamber of Commerce and Evanston Arts Council and formed alliances with other convention and visitor bureaus including Chicago to develop Evanston as a destination. She said it was time for the bureau to take the next step and move its services into a regional organization, which was a goal when the bureau was established. They have worked with hotels, restaurants and a consultant for 18 months to develop a plan to achieve a regional organization. Council would consider several actions on the evening's agenda that would make possible for Evanston to join Skokie and Wilmette to establish Chicago's North Shore Convention & Visitor Bureau. By working with other attractions such as the Chicago Botanic Garden, Baha'i House of Worship and Old Orchard, Evanston can attract larger and broader audiences who will stay longer. Pooling resources will give this organization a competitive budget compared with neighboring convention bureaus including Prospect Heights, which has a \$600,000 budget, and Oak Park with a \$800,000 budget. Evanston will benefit from more advertising, promotional brochure distribution and more sales people to solicit meeting planners. To achieve equitable funding from municipalities, Council is asked to approve a funding formula, which is 15% of a base 3% of local hotel/motel tax collections. For Evanston it will be about \$60,000. They wish to use a funding formula to avoid negotiating deals with each community, which raises the issue of fairness. The Illinois Bureau of Tourism will provide an estimated \$250,000, which is about 47% of the \$536,000 budget. She said if a regional bureau is not established, those dollars will go to other bureaus. She hoped they would agree to establish a regional bureau as a beneficial step for Evanston and approve the requested actions. She cautioned that if Evanston chooses not to participate, it is likely that Skokie would set up its own bureau and Evanston would be painted into an 8½- square-mile box.

James Genden, addressed the proposed extension of parking meter times; said if he were a representative of restaurants and merchants in Skokie, Wilmette and Chicago, he would congratulate Council for such a change, which will be a disincentive for people to come, dine and shop. He knows it to be an annoyance to have to pay still more to eat here. After having a meal, he would have concern with the highly efficient parking meter department and would be running to his vehicle to get it out of downtown, rather than going to the stores. He said if they pass this, make sure the times are clearly posted on the meters. He tried to read a meter last weekend and needed a flashlight to read the times.

Martin Uthe, 1216 Dobson St., spoke about the CVS development. Neighbors are okay with the drive-through but are concerned about it being open for 24 hours due to noise and asked to limit drive-through hours to 8:00 a.m.-10:00 p.m. They are also concerned about egress from the drive through and asked for a right turn only onto Asbury. There were also concerns with litter and noise plans.

Joel Freeman, 2151 Hartrey Ave., spoke on behalf of citizens group, Evanston's Energy Future, whose purpose is to foster a rational stewardship of energy resources and costs. Currently they are assessing energy use in City facilities,

those provided free electricity by ComEd (Public Library, Fire Stations, Police Outpost, maintenance facility and a portion of the Civic Center). In determining the usage they hope it will be useful in the franchise negotiations that the Energy Commission is undertaking. He said there are other facilities that receive electricity at charge and in reviewing the 2001-02 billing history, totals \$1.25 million cost to the City. They hope to reduce that cost in a collaborative effort among the Energy Commission, their organization and Max Rubin and come up with some ideas.

Florine Lewis, 1832 Hartrey Ave., came due to parking; heard rotation parking starts April 1. She reported her next door neighbor at 1837 Hartrey has six cars. She wondered how this could be worked out and if there is a quota on the number of cars that can be parked on the street? One family has six cars and two trucks.

Alderman Kent stated this issue would be brought to the Parking Committee.

Madelyn Ducre, 1924 Foster St., came to speak on a police matter. She said a family member had been harassed again. She said neighbors have formed CFJ, which stands for Citizen for Fairness and Justice, to help family members receive fairness and justice. She congratulated all officers who have done a fair and good job.

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

Alderman Feldman moved Council approval of the Consent Agenda with these exceptions: Agreement with Evmark for landscape maintenance of Special Service Area (downtown), Traffic Calming Plan – Speed Humps – Hovland Ct. and Clyde Ave., Ordinance 29-O-02 – Revised Parking Meter Hours, Ordinance 34-O-02 – Removal of Cab Stand, Ordinance 36-O-02 – Amends Trial Period for Booting in Central Business District, Ordinance 37-O-02 – Amends City Code to Establish Special Pickup Fee for Refuse, Ordinance 20-O-02 – Vacation of Property (CVS Pharmacy), Ordinance 22-O-02 – Amends City Code Regarding Recycling Collection Fee, Consider Appeal of Preservation Commission Denial (610 Callan Ave.), Ordinance 24-O-02 – Special Use for 1701-03 Simpson St. – Type 2 Restaurant, Ordinance 23-O-02 – Special Use for 835 Main St. – Type 2 Restaurant (hot dogs/fries), Ordinance 13-O-02 - Special Use for 337 Howard - Type 2 Restaurant (Subway), Ordinance 19-O-02 – Special Use & Variances for 101 Asbury (CVS Pharmacy) and Ordinance 88-O-01 – Zoning Ordinance Text Amendment- Required Parking/Multi-family Residential. Seconded by Alderman Engelman. Roll call. Voting aye – Moran, Engelman, Rainey, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent. Voting nay – none. Motion carried (9-0).

**\* ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of March 11, 2002 and Special City Council Meeting of February 9, 2002. \* 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 March 13, 2002 and the City of Evanston bills for the period ending March 26, 2002 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 03/14/02)	\$1,830,359.15
City of Evanston bills (through 03/26/02; FY 01-02)	\$1,540,972.91
City of Evanston bills (through 03/27/02; FY 02-03)	\$ 769,391.33

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

\* Approval of the lowest responsive and responsible bid of MacroRoof Systems for the Water Plant Roof Repairs and Replacement at the Water Treatment Facility at a cost of \$178,390. Funding source is the Water Depreciation, Improvement & Extension Fund. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #1 with Central Lakes Construction for Fire/Police Headquarters Renovation Project, increasing the cost of the project by \$111,283. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Approval of Change Order #2 with Great Lakes Group Inc. for the Noyes Cultural Arts Center Rehab Project, increasing the cost of the project by \$15,187.40. Funding is from a State of Illinois grant. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #1 to Suzan Pinsof for professional services for the Bicycle System Improvement Project at a cost of \$2,667.27. Funding will be from the Public Works Contingency. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)



\* Special Event: Arbor Day Five Race – Consideration of a request to hold the annual Arbor Day Five Race along the lakefront from 9:00 a.m. to 11:00 a.m. on April 21, 2002. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Amendment to Garden Fair Special Event Permission – Consideration of a recommendation to amend the permission granted to hold the annual Garden Fair to include private vendors/non-profits. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Resolution 22-R-02 – Easement Agreement with Metropolitan Water Reclamation District – Consideration of proposed Resolution 22-R-02, which authorizes the City Manager to sign an easement agreement with the MWRD for removal of a segment of the water main at 2222 Green Bay Rd. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Ordinance 27-O-02 – Revised Street Cleaning Regulations – Consideration of proposed Ordinance 27-O-02, which amends Section 10-4-12 of the City Code to revise street cleaning regulations. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 28-O-02 – Revision of Fine for Parking Too Far from Curb – Consideration of proposed Ordinance 28-O-02, which amends Ordinance 6-O-02 to clarify the fine for violating Section 10-4-8, parking more than 12 inches from curb. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 30-O-02 – Four-Way Stop at Lake and Wesley – Consideration of proposed Ordinance 30-O-02, which amends Section 10-11-5, Schedule V(D) of the City Code to establish a four-way stop at Lake and Wesley. \* MARKED INTRODUCED – CONSENT AGENDA

Alderman Rainey moved to Suspend the Rules for the purpose of adopting an ordinance at the same meeting at which it is introduced. Seconded by Alderman Moran. Motion carried. No nays.

Alderman Rainey moved approval. Seconded by Alderman Wynne. Roll call. Voting aye – Moran, Engelman, Rainey, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent. Voting nay – none. Motion carried (9-0).

\* Ordinance 31-O-02 – Establishing a Loading Zone at 2042 Dewey Ave. – Consideration of proposed Ordinance 31-O-02, which amends Section 10-11-7, Schedule VII(B) of the City Code to establish a loading zone at 2042 Dewey Ave. for a disabled resident. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 32-O-02 – Prohibiting Parking on Forest at Greenleaf and at Hamilton – Consideration of proposed Ordinance 32-O-02, which amends Section 10-11-8, Schedule VIII(A) of the City Code to prohibit parking on Forest Ave. at Greenleaf and Hamilton intersections. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 33-O-02 – Passenger Loading Zone on Wesley Avenue – Consideration of proposed Ordinance 33-O-02, amends Section 10-11-7, Schedule VII(A) of the City Code to establish a passenger loading zone on Wesley Ave. at Dewey School from 8:00 a.m. to 4:30 p.m. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 18-O-02 – Amending the Sidewalk Café Ordinance – Consideration of proposed Ordinance 18-O-02, introduced March 11, 2002, which amends Section 7-2-6 (D) (3) I of the City Code increasing the annual permit fee for sidewalk cafés. \* ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

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

\* Ordinance 25-O-02 – Special Use for 930 Church St. – Type 2 Restaurant – Consideration of proposed Ordinance 25-O-02, which approves a recommendation of the ZBA to grant a special use to permit Noodles & Co. at 930 Church St. \* MARKED INTRODUCED – CONSENT AGENDA

#### **HUMAN SERVICES:**

\* Resolution 18-R-02 – Approval of Proposed 2002 Noyes Center Leases – Consideration of proposed Resolution 18-R-02, which authorizes the City Manager to sign continuations of two-year leases and, three new or revised leases, for Noyes Cultural Arts Center tenants. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

#### **OTHER COMMITTEES:**

\* Release of Executive Session Minutes – Consideration of a recommendation to release Executive Session Minutes of the following dates: 5/19/97; 6/23/97; 10/27/97; 1/12/98; 1/26/98; 2/2/98; 2/9/98; 3/9/98; 3/23/98; 4/14/98; 5/11/98; 5/26/98; 7/13/98 (Rules Committee). \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Recommendation to Fund Evanston Convention & Visitors Bureau – Consideration of a recommendation of the Economic Development Committee to fund the Evanston Convention & Visitors Bureau/Chicago's North Shore Convention & Visitors Bureau for a total of \$60,000 from the Economic Development Fund in FY 2002-03. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Recommendation to Designate Chicago's North Shore Convention & Visitors Bureau as City of Evanston's Tourism Bureau – Consideration of a recommendation of the Economic Development Committee that the new Chicago's North Shore Convention & Visitors Bureau be designated as the City of Evanston's tourism bureau of record effective July 1, 2002. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Recommendation of Conceptual Support of Funding Formula for Chicago's North Shore Convention & Visitors Bureau – Consideration of a recommendation of the Economic Development Committee of conceptual support of a funding formula for future support of Chicago's North Shore Convention & Visitors Bureau subject to annual review and approved appropriations. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

#### **APPOINTMENTS:**

Mayor Morton asked for confirmation of the following appointments:

Seymour LaRock  
1023 Hinman Ave.

Arts Council

For term ending April 1, 2005

Kyra Walsh  
1907 Lincoln St.  
For term ending April 1, 2004

M/W/EBE Development Committee

Marvin D. Juliar  
425 Grove St.  
For term ending April 1, 2005

Economic Development Committee

Mayor Morton asked for confirmation of the following reappointments:

Michelle L. Brodsky  
2509 Central St.  
For term ending April 1, 2005

Arts Council

Benjamin H. Schapiro  
150 Dewey Ave.  
For term ending April 1, 2004

911-Emergency Telephone System Board

\* APPROVED – CONSENT AGENDA

Mayor Morton thanked Tensley Garris for her hard work on behalf of the Evanston community; said she obviously had done an outstanding job as a nearby community has hired her.

### REPORT OF THE STANDING COMMITTEES

#### ADMINISTRATION & PUBLIC WORKS:

Alderman Rainey moved approval of the agreement with Evmark for landscape maintenance of the Special Service Area (Downtown) at a cost of \$43,385. She noted the total amount is \$104,400. Seconded by Alderman Feldman.

Alderman Newman thanked Judy Aiello, Paul D'Agostino, Zeltee Edwards, David Jennings; said the agreement reached with Evmark deals with long standing complaints by 1<sup>st</sup> Ward residents about cleanliness downtown. He said having multiple people under contract to deal with the debris on Sundays was greatly appreciated.

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

Traffic Calming Plan – Speed Humps - Hovland Ct. and Clyde Ave. – Consideration of a recommendation to place speed humps at Hovland Ct. between Church and Emerson sts. and Clyde Ave. between Howard and Brummel sts.

Alderman Rainey moved approval. Seconded by Alderman Kent. Alderman Rainey moved to amend the plan to include a request brought to the Parks Division regarding installation of speed humps on the portion of Mulford west of Dodge which is a city street but appears to be a driveway into James Park. Seconded by Alderman Feldman. Voice vote on amended plan, motion carried unanimously.

Ordinance 29-O-02 – Revised Parking Meter Hours – Consideration of proposed Ordinance 29-O-02, which revises Section 10-11-12, Schedule XII, of the City Code to extend parking meter hours in the Downtown area from 9:00 a.m.-6:00 p.m. to 8:00 a.m.-9:00 p.m.

Alderman Rainey moved introduction. Seconded by Alderman Feldman. Marked introduced.

Ordinance 34-O-02 – Removal of Cab Stand – Consideration of proposed Ordinance 34-O-02, which

amends Section 10-11-7, Schedule VII(D) of the City Code to eliminate a cab stand at 339 Howard.

Alderman Rainey reported that this item was held in committee because all parking between Ridge and the CTA station will be removed with two lanes of traffic due to the Howard Streetscape project. While being held, staff will meet with cab companies to find a new location for a cab stand. Mr. Crum clarified that this would be brought back after meetings with a recommendation.

Ordinance 36-O-02 – Amending Ordinance 102-O-01 – Increasing Trial Period for Private Immobilization of Vehicles in Central Business District (Booting) – Consideration of proposed Ordinance 36-O-02, which extends the trial period for private immobilization of vehicles (booting) in the Central Business District to April 1, 2003.

Alderman Rainey reported the committee voted 3-1 not to introduce this ordinance. Alderman Moran asked that it be marked introduced. Seconded by Alderman Bernstein. Alderman Newman said he had never been a proponent of this ordinance; a business in the 1<sup>st</sup> Ward wants this ordinance and wrote a letter about it. During the trial period he had not received any complaints and Burger King had reported fewer police calls. He noted that Burger King has been a problem for the City that they have worked to reduce police calls. He wanted to hear if anyone else had complaints and supported introduction. Alderman Rainey also supported introduction. She said that up to 100 people each month are being booted in this lot, so if there are no complaints and it's not permitted in the 8<sup>th</sup> Ward, she asked it not be imposed on the rest of the City. Alderman Feldman noted in police reports the phrase used having to do with resolution of the matter was "civil" and asked for an explanation. Alderman Newman asked where the 100 number came from. Alderman Rainey said 50-100 cars a month was in the letter from the booting company. Alderman Rainey called the question. Motion carried unanimously. Voice vote to introduce, motion carried. No nays.

Ordinance 37-O-02 – Amending Sections of the City Code Establishing Special Pickup Fee for Refuse – Consideration of proposed Ordinance 37-O-02, which amends Section 8-5-9, 8-5-14 and 8-5015 of the City Code to establish a special fee for pickup of refuse.

Alderman Rainey moved introduction. Seconded by Alderman Feldman.

Alderman Kent while favoring the concept objected to unpaid charges becoming a lien on the property – said it would be used against the poor and elderly. He wanted to consider eliminating a lien being placed against property. Alderman Kent asked that this item be held. Alderman Jean-Baptiste seconded. At the request of two aldermen this was held.

Ordinance 20-O-02 – Vacation of Property – Consideration of proposed Ordinance 20-O-02, introduced March 11, 2002, by which the City Council would approve the vacation of a portion of an alley north of Howard St. and east of Asbury Ave. for a parking lot for CVS Pharmacy at the northeast corner of Howard/Asbury.

Alderman Rainey moved approval. Seconded by Alderman Feldman. Alderman Rainey moved the following amendment: first page of ordinance, Section 3, beginning with "the sum of \$65,000 is the agreed upon compensation for the vacation payment of said sum in full to the City within 60-days of passage of this ordinance as a condition precedent to its validity." She wished to change it to: "payment of sum in full to the City within six months at the time the closing takes place on the four parcels which will be done jointly sometime in the near future." Nothing would happen until payment for the alley was made which they wanted to do that at the same time. Seconded by Alderman Feldman. Motion carried. No nays.

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

Ordinance 22-O-02 – Amending Sections of the City Code Regarding Recycling Collection Service Charge – Consideration of proposed Ordinance 22-O-02, introduced March 11, 2002, which amends Section 8-5-13 of the City Code to increase recycling collection service charges.

Alderman Rainey moved approval. Seconded by Alderman Engelman.

Alderman Rainey stated because of the transfer of \$1.86 to water bill for recycling service that this Council was able to pass a budget that increased the property tax 7.32% in the City's portion. She opposed it then and continued to oppose it. She said Alderman Kent was worried about having the \$25 refuse pickup charge put on as lien. What he did not mention is that recycling charge not paid one time will result in a lien on property and in having the water shut off. She was more concerned about a senior citizen without water than with a lien on property. She said a lien only gets to be a big deal when property is sold and the City won't foreclose on property because of a \$25 lien. She has a map that shows routes Groot travels to pick up recycling where people aren't recycling. She stated those people are costing the City money in terms of the cost all pay to have garbage disposed; that people who don't recycle are violating the law and ought to be fined. She did not care how many benefits the City gets from SWANCC or how much space there is for garbage. She opposed this because it is on the water bills and will result in water shut offs.

Alderman Feldman said on the special refuse fee there was a reference that would be added to the water bill and if not paid within 30 days could result in water being shut off. Non-payment of the water bill is a reason for a shut off and now non-payment of the recycling fee could be a reason as well. If \$2.86 is not paid, could that result in a water shut off? Mr. Crum said if somebody pays the entire water bill, except for the \$2.86, they won't have their water shut off, but would receive notices to pay. If people do it for some months, a decision would have to be made as to what to do. Alderman Feldman did not know the incidence of water shut offs, but that was as much a concern as adding the \$1.86 charge and using that as a shut off. He was not sure of the benevolence the City uses in interpreting the law in water shut offs. Mr. Crum said shut off notices are issued regularly and usually the bills are in arrears by hundreds of dollars. Was the lien part of the current ordinance? The City has a right to put a lien on property for unpaid water/recycling charges. Mr. Crum said that liens are seldom used and normally the City tries to collect by shutting off water, as housing is uninhabitable without water. On the special refuse pickup fee, Alderman Feldman asked where there is an excess amount to be picked up, did that have to be paid in advance? Mr. Jennings stated the requestor must agree to pay the amount before the refuse is picked up. Alderman Feldman asked if they had considered a straight cash/sticker system?

Alderman Newman said it was correct to raise this fee because Council did not want to eliminate other programs. Tough decisions were made because revenue was down substantially. He said no one who voted for it wanted to raise this fee, but worse alternatives were considered; suggested all supported some aspect of choices they made.

Alderman Rainey thought initially the City put \$1 recycling fee on the water bill because it made collection convenient and saw no correlation between paying/not paying for recycling and having water shut off. She acknowledged a correlation between using water, not paying for it and having it shut off. She said the recycling charge will be \$5.72 on a water bill. She understood an extra \$70 a year makes a difference for some who will pay a 7.2% increase in property taxes on the City's portion. She wondered what would happen if someone sued the City to protest the recycling fee.

Alderman Newman noted, with the exception of Alderman Jean-Baptiste, that all Council members and the Mayor have repeatedly voted for the concept of collecting a recycling charge on the water bill and for a substantial length of time.

Alderman Moran said it might seem that putting a lien on property seems draconian but did not think it was. In response to Alderman Rainey's question, he asked how many lawsuits would the City have to file for \$1 if 14,000 households decided they don't want to pay? He thought Mr. Crum had answered the practical question that there is no lien for \$1 or anything close to it. He pointed out collecting this money is important to the City and how would it ever be enforced, if not for some effective means that says it must be paid.

Alderman Feldman said the extra \$1.86 comes to \$20.72/year and the \$1.86 plus \$1 comes to \$33.32/year, not \$70.

Alderman Kent said if liens are ineffective, find another way to collect the money. He said people who receive these notices are scared; other aldermen may not have "fly dumping" in their area that might occur behind a senior citizen's home. He said liens and water shut offs are not the answer.

Roll call. Voting aye – Moran, Engelman, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent. Voting nay – Rainey. Motion carried (8-1).

**PLANNING & DEVELOPMENT:**

Consideration of Acceptance of Appeal of Preservation Commission Denial – Consideration of acceptance of an application for appeal by property owner at 610 Callan Ave. from the Preservation Commission denial of a Certificate of Appropriateness for alterations and an addition.

Alderman Newman reported the committee voted to accept the appeal. No action was called for by Council. They will consider the matter at the April 22 P&D Committee meeting and their recommendation will be forwarded to Council. Mr. Crum said the language was such that the committee could act unilaterally or, if they deny the hearing, could come before Council for review and approval. This item was held in committee.

Ordinance 24-O-02 – Special Use for 1701-03 Simpson St. – Type 2 Restaurant – Consideration of proposed Ordinance 24-O-02, which approves a recommendation of the ZBA to grant a special use to permit a Type 2 Restaurant at 1701-03 Simpson St.

Alderman Newman reported that this item was held in committee.

Ordinance 23-O-02 – Special Use for 835 Main St. – Type 2 Restaurant – Consideration of proposed Ordinance 23-O-02, which approves a recommendation of the ZBA to grant a special use to permit a Type 2 Restaurant (hot dogs and fries) at 835 Main St.

Alderman Newman reported that this item was held in committee.

Ordinance 13-O-02 – Special Use for 339 Howard St. (Type 2 Restaurant: Subway) – Consideration of proposed Ordinance 13-O-02, introduced March 11, 2002, which approves a recommendation of the ZBA to grant a special use permit for a Subway restaurant at 339 Howard St.

Alderman Newman reported that the committee voted 5-0 to approve the special use with conditions. Alderman Rainey requested this item be held until she could read it. Seconded by Alderman Moran. Staff will prepare a clean copy of the ordinance with all the conditions.

Ordinance 19-O-02 – Special Use & Variances for 101 Asbury Ave. (CVS Pharmacy) – Consideration of proposed Ordinance 19-O-02, introduced March 11, 2002, which approves a recommendation of the ZBA to grant a special use and yard variances for a CVS Pharmacy with drive-up window.

Alderman Newman moved approval. Seconded by Alderman Engelman.

Assistant Corporation Counsel Ellen Szymanski stated a ministerial change on page 2, Section 1, needed to reflect the recommendations of ZBA and Planning & Development that have been amended. Section 1 reads: “that the City Council hereby adopts the record, findings and recommendation of the ZBA and recommendation of the Planning & Development Committee as amended...”

Page 3, under daily operational conditions, “the subject property will receive no more than two (2) semi-trailer truck deliveries per week.” A new ending sentence of item (c) “In the event the applicant seeks a modification of the number of semi-trailer delivery trucks per week, application may be made to the City Council for such modification.”

Page 5, item (T) new last sentence. “The bus shelter shall not exceed eight (8) feet in height.”

Page 7, item (CC) drop down seven lines: “For the period concluding 60 days after completion of the masonry wall on the east masonry line, the title holders of 1260 Dobson maintain the right to ask for additional landscaping such as

climbing vines or evergreen hedges along the east side of the brick wall approximately parallel to the east lot line.”

Alderman Newman moved approval of the amendments. Seconded by Alderman Engelman.

Alderman Rainey thanked all for being sensitive to the issue; said this process could be a model for developing other kinds of businesses. For the most part there was agreement by residents with some disagreement on the Ute/Marko residence, which is the closest, CVS accepted almost every recommendation. CVS was willing to provide re-landscaping and maintenance of the cul-de-sac on Dobson. Another issue was the exit onto Asbury. The people who live on the west side of Asbury on Dobson see that as a potential serious problem in that cars can go straight out of that driveway down Dobson. Neighbors have asked that signs be placed at the driveway that indicate “right or left turn only” so cars are not restricted from going in either direction. A similar sign is at St. Francis Hospital at Austin/Ridge. She asked Council to accept that as an additional amendment. Seconded by Alderman Bernstein. Alderman Rainey thanked Zaremba Group and John Wojtila. Voice vote on amendments. Motion carried. No nays.

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

Ordinance 88-O-01 – Zoning Ordinance Text Amendment: Required Parking/Multi-family Residential  
– Consideration of proposed Ordinance 88-O-01, introduced March 11, 2002, which approves a recommendation of the Plan Commission to amend the Zoning Ordinance regarding required parking for multi-family residential uses.

Alderman Newman reported the committee voted 5-0 to recommend approval. He moved approval. Seconded by Alderman Wynne.

Alderman Rainey said Council had received a report from a housing economist on Howard Street that the Neighborhood Planning Group commissioned that supports the presence of multi-family residential construction on Howard Street east of Ridge Avenue. They have met with many developers including Klutznick, Fried, Roszak, Leinenweber, all developers who operate here, and the biggest concern is depth of the lots, which is 25 feet. She called this action exclusionary zoning as opposed to inclusionary zoning and said it denies the possibility of future redevelopment of neighborhoods such as the area east of Ridge on Howard because there is no place to put additional required parking. This area is along bus routes and within walking distance of one of the largest El stations in Chicago. There was no way additional parking requirements should be imposed on this area and there were also negative impacts for affordable housing anywhere in Evanston. She asked Council to give additional thought to this; could understand if certain conditions were excluded, but this ordinance does not and is a blanket with potential for requesting variations.

Alderman Wynne favored the ordinance; stated the genesis of this occurred during the Chicago Avenue Corridor Study where they found a chronic shortage of parking due to a shift from commercial development to dense residential. Zoning for Chicago Avenue and other parts of the City that are zoned commercial permit residential with the requirement of one parking space per unit. They found that car ownership exceeded one car per unit even close to mass transit, so parking requirements were increased for Chicago Avenue; said it is a relatively small step in increasing parking requirement. They are requiring new buildings to provide parking that they know they will generate. Initially, when proposed, developers said that it would chill development and was too expensive. What they find now is developers need to build in the required parking. She understood about the small lots and to build anything there they would have to consolidate lots and change the geometry of the site. She emphasized that Evanston has to get ahead of the “power curve” on the parking problem. She hoped people become train riders. They have found that people use transit and still own cars. Evanston has a commuter transportation system, not a web. While the City has bus lines, they are not comprehensive. They have found people use the trains to go to work but when they get home use their cars to go to other locations here. She said their choices were to not recognize the reality and try and fix it later or look at this as an infrastructure issue where the City requires that new density problems be fixed. Forty years ago lots were bought for parking in the 3<sup>rd</sup> Ward due to apartments to maintain property values. She saw this as an attempt to get ahead of the problem; said it was missed at Main/Chicago and 811 Chicago Avenue. She noted that Main/Chicago is now absorbing significantly more cars than it should due to residential development. This ordinance makes sure it won’t be missed someplace else or devalue the

community. She said when there is a parking crunch like they have in parts of the 3<sup>rd</sup> Ward, she hears from people. An apartment/condominium with parking space/garage significantly increases the value. By requiring appropriate parking, they are not taking away from already built residential, but requiring that future parking needs are taken care of and saw this as an investment. If developers come about Howard Street, they can ask the committee about steps necessary to request a variance. They have asked for information from ZBA and Plan Commission on standards for requests for variance. She could not imagine a developer on Howard asking for a variance would be turned away. She stated if they don't act now, buildings are going up and they are falling behind. The problem is harder to correct once it happens.

Alderman Moran said a distinct strength of the community is the mass transit systems. A substantial motivation for him to live in two different locations, while working downtown, was the ability to walk to/from an El or commuter rail line. He thought part of the motivation of the 1993 Zoning Ordinance was to recognize the significance of mass transit systems and to encourage people to relent on their desire for automobiles. There was a strength of systems that suggested to people that having one less car, rather than one more, might make sense. He hopes that people will think that makes sense. He thought they are moving toward a point of where there will be gridlock and people will be compelled to find better ways to move around metropolitan areas and said they are surrendering on that basis. They are saying that people want to have cars, so the City becomes an enabler. So if they want to have cars, get them the space so they can park them, no matter how much the cars are used. Make sure there's a place for their cars. At some point it becomes a self-fulfilling prophecy. They will make sure there is space for two cars and people will have two cars. He finds that a problem. He hoped over time, with various transit studies underway, that they will be able to develop a larger view of transportation into, through and around Evanston so they will further develop systems that reduce reliance upon automobiles. He said this ordinance is a blanket and covers all areas. He was sure if they looked at this scheme with some further analysis, there may be parts of town where it makes sense and other parts where it makes less sense. Along the transportation corridors it makes less sense. Perhaps in some areas they need to up parking requirements because there's nothing else to do. He thought in some other areas there are things that people can do and make choices. Through zoning they can encourage choices that would improve the environment, mental health and the ability to get around. He was against the ordinance, because it was too broad. He predicted they would be presented with opportunities to encourage the behavior of people to make progress and improvements in transit choices.

Alderman Engelman said when this came before the P&D Committee he was concerned about the blanket approach of this ordinance which grew out of the Chicago Avenue Corridor Study and was up to date in an area suffering from severe under building of parking since Evanston was founded. He held the matter to get more comment on whether this should be applied uniformly throughout the City. He kept searching for where this should not be imposed and was glad that Alderman Rainey showed where it should not be, although the impact on affordable housing was mentioned. Ultimately he supported it in committee because the incremental increase was not oppressive. He supported it because it was a specific reference to the Plan Commission to develop special standards solely designed for parking variations, separate and distinct from the other standards for variations of other issues and specifically needed to address affordable housing. He recalled the Plan Commission was supposed to report back to the P&D Committee within 60 days. He would like to have an inclusionary ordinance rather than an exclusionary one, but did not know how to do that. He welcomed relaxed variation standards if they cannot make it inclusionary.

Alderman Newman recalled when the condominiums on west Central Street and residents wanted more parking than was required because of concern of overflow. He could not imagine a Howard Street development coming in without any City participation. The history of the City is approval of many zoning changes, modifications and planned developments when new large scale projects come before Council; noted the Hill and Klutznick projects had to get zoning approval. He expected any redevelopment on Howard Street would come before Council for other than zoning. On affordable housing, he recalled the Jacob Blake Senior Housing was granted six-eight variations and Council granted every request on that project and noted there had not been significant requests for affordable housing in the last ten years. Council did all they could to promote affordable housing. He noted the substantial amount of high-end condominium development here and that housing has extraordinarily high values for the units. One small project in the 1<sup>st</sup> Ward, on the 1900 block of Sherman Avenue, has units selling for \$400,000-800,000. He thought the extraordinarily high prices for these condominiums entitled the City to get something back. New construction creates additional demands for parking around the City and unless they take action will get nothing. The development at 1930 Ridge has affordable housing and underground parking. He did not think the ordinance would be a detriment to new development. He thought if affordable housing comes and needs zoning relief, Council would consider it and noted that affordable housing has to fit into a

neighborhood. Surrounding neighbors have concerns about parking. He said in substantial areas of Evanston there is no parking anywhere. He thought the ordinance was a step forward, necessary due to high-end housing being built. If he thought it would have an adverse impact on affordable housing project he wanted to think it over; applauded the Plan Commission and noted the City provides parking in 60 lots around Evanston.

Alderman Feldman was concerned about setting aside an area for affordable housing – while necessary throughout the community, he thought a labeled area would be detrimental to their purposes. He has high aspirations for Howard Street as a place to live. He saw that parking problems along Howard Street and to the north could devalue everybody's property. The idea that they should make it more difficult for people to own cars as a way of creating pressure for additional public transportation, on the face, sounded reasonable. However, when they think about it, they must make transportation so successful and easy that people make that choice voluntarily rather than imposing pain for owning a car. He said the community pays a double price if the pain is not strong enough (don't provide parking) and has a congested area. He said the kind of area Alderman Wynne is afraid of has been present in parts of Evanston for a long time. Council has to do what they can to ensure that any neighborhood, especially one they intend to develop even more intensely than now, where single-story retail establishments are torn down and multi-family apartment buildings built, to suggest those buildings not have sufficient parking to meet residents needs without having a dramatic effect on the neighborhood was starting off behind the eight ball. He thought lack of parking would make those places less desirable and people would not want to move into them. He supported the ordinance with some flexibility regarding zoning.

Alderman Rainey cautioned Council to consider the possibility that when she mentioned affordable housing and housing development she was not considering affordable housing on Howard St. She said this was about residential development on Howard Street not about low-income or affordable housing. This was about exclusionary zoning. She stated it is not easy to consolidate lots and have all the parking needed. She said the problem on Howard Street is geography and most lots are 25 feet deep. She said a developer could build two spaces for every unit they build and go up eight stories. She said when they have an opportunity for development that it should not be made impossible because of the problems of developing upscale condominiums in other parts of the City. The Tracy Cross study shows that at the right price point, housing on Howard St. would be quite popular and desirable. It would compete with \$200,000 plus units in Rogers Park.

Alderman Wynne wanted to see Howard St. developed and thought they were maintaining livability with this ordinance. It was not about people in new condominiums but people who like vintage buildings and don't have parking. When they don't accommodate increased residential density, they devalue surrounding properties. She said Chicago Avenue already has a parking problem in surrounding neighborhoods. If a person moves to Main/Chicago, they must learn parking regulations. She said people here live with restrictions she could not believe. They also have two train lines, bus lines and it's only 20 minutes by car to the loop. They have great transportation, a parking problem and people still buy an extra car. To restrict people, they have to live in misery for awhile. It has to become an unlivable neighborhood before people decide not to buy a second car. As much as she does not want to be an "enabler" and encourages people to use public transit and not drive down Forest, Sheridan or Chicago at 50 mph, she wants every area in Evanston to be livable.

Alderman Feldman said short of a significant infusion of funds from the federal government, affordable housing in a community such as Evanston is not easy to come by. It does not have the money to subsidize affordable housing. He sees the solution as creating a community where developers are so anxious to get into that they will set aside a certain number of units for affordable housing and that is happening in strong markets throughout the nation. When the market drops and people have to be convinced of their bottom line or cannot charge rents/prices they need, that lever the community has diminishes. The more desirable the property the more people will pay in rental and the more leverage the City has. Short of that, the money has to come from taxpayers. If they continue to have the issues they had over the last budget, if they could see where that money comes from, they have a better crystal ball than he does. If the prize is affordable housing, he suggested they figure out how to have somebody else subsidize it. The City can help with zoning relief, special consideration and the kind of neighborhoods that attract people. He thought that could happen in south Evanston but would not be there if nobody has a place to park.

Alderman Newman called the question.

Roll call. Voting aye – Engelman, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent. Voting nay – Moran,

Rainey. Motion carried (7-2).

**CALL OF THE WARDS:**

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

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

**8<sup>th</sup> Ward.** Alderman Rainey reported she had met with the Chicago Department of Transportation, Bridges and Roads that day on the Howard Street Streetscape project. She reminded Council the City decided to reject the bid offered by Chicago for \$3.7 million for the project. Evanston had set aside \$1.5 million for the project. The bids went out and came back at \$3 million and by doing so, saved \$700,000. She said there would be no parking on Howard Street for at least a month.

Alderman Rainey made a reference to the P&D Committee to evaluate the parking requirements on commercial establishments. She noted they had approved an increase in required parking for residential properties. However, the committee also voted a special use for a Type 2 restaurant, which has no parking. She would like the committee to look at parking requirements for Type 2 carryout restaurants. This restaurant has no on-street parking and no parking within one block. She said those kind of uses impose demands on surrounding neighbors.

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

**1<sup>st</sup> Ward.** Alderman Newman said that the Subway Sandwich shops on Sherman and Central have virtually no parking and the Subway Sandwich Shop on Howard has a large parking complex on the Chicago side of Howard Street. He thought the greatest challenge to the Howard Street project was site acquisition due to multiple owners, not parking regulations in the Zoning Ordinance. He supported the project, saying it would benefit the community.

He asked for a report from the City Manager and City Clerk on how the Administrative Adjudication fines on real estate transfers works in terms of buyers and sellers. He was told it applies to buyers and that, potentially, closings could be delayed where people have 60-day locks on mortgages. He wanted to make sure that was going smoothly and they did not inadvertently create an effect they did not want.

He responded to comments about extending parking meter hours downtown. He explained that by extending the hours from 8:00 a.m. to 9:00 p.m. they are dealing with turnover problems. If one goes downtown between 6:00-9:00 p.m. it is impossible to find a parking space at Davis/Sherman. The reason there are no spaces is that employees can park at 4:01 p.m. and stay for an unlimited time. They know if the meters are not regulated between 6:00-9:00 p.m. nobody would be able to park. They have studied the effects of the unavailability of parking downtown, especially due to employees. He said a big part of the ordinance is to create turnover so at night when customers come they have a chance to find a space, an issue as important as having to pay. People who cannot find spaces to park are discouraged. He mentioned the difficulty for Potbelly Sandwich. He said Benson Ave. is completely parked up and a restaurant manager there had 134 tickets from parking in front of the establishment. He witnessed a manager of a business get into his car at 1:00 a.m. in front, which meant no customer could have parked there. He said the Parking Committee has contemplated this for a long time and it was not done for revenue generation.

He congratulated Larry Suffredin on winning the County Board race and looked forward to working with him. He recalled the County Board passed a difficult parking tax that affects the City's parking structure and hoped they could revisit that issue.

**2<sup>nd</sup> Ward.** No report

**3<sup>rd</sup> Ward.** Alderman Wynne said some time ago the City looked into Dutch elm treatment and asked if any report was generated on the cost of injections? Is there any information on the web site for private citizens to take on their initiative? She said there is a group that has pooled resources to protect a large elm in a city park in the 3rd Ward.

Alderman Feldman said there was no report. It was a concern and the initial response from staff was that it presented a significant path for the City to use as a possible way of exchanging the cost of inoculation versus removal and replanting. He

never heard any reason that the hope given was ignored and did not know whether further investigation was a viable option. He asked for a staff report on the investigation and cost of inoculation.

**4<sup>th</sup> Ward.** Alderman Bernstein congratulated Jeannie Cleveland Bernstein and Ellen Schrodtr on re-election as Democratic and Republican Committeemen. He congratulated and thanked Larry Suffredin for election to the Cook County board; noted the board is responsible for a \$3 billion budget. He thought some funds would come from the County to Evanston. He commented that due to state redistricting, Evanston would have a resident state senator, state representative and Cook County Board representative. He made a reference to the Rules Committee to discuss whether they should ask the state representative/senator to get funds from the state for unfunded mandates and to call upon Congresswoman Schakowsky to study the rationale for what a non-profit is and if an entity that has \$1 billion or more endowment should qualify for such a designation.

He announced that May 8 at the Hilton Garden Inn, District 65 will auction the property at 1314 Ridge with a suggested opening bid of \$750,000. Registration begins at 6:00 p.m. with the only restriction a covenant with the deed that the property must be on the tax rolls. Bid packages are available through Sheldon Good at (312) 630-0915.

He reminded citizens that alternate street parking resumes on April 1. He asked Doug Gaynor if beach signs could be enlarged and have a skull/crossbones warning people who go into the lake about the danger of drowning.

Alderman Rainey received an excellent response from a constituent regarding Dutch elm disease inoculation, which she would share with Alderman Wynne.

**5<sup>th</sup> Ward.** Alderman Kent announced that the Plan Commission would meet with 5<sup>th</sup> Ward residents on April 4 at Family Focus. Neil Davidson has begun the housing project at 1816 Darrow. He said the young man who could not be present for the special use at 1701-03 Simpson had acquired that property and was working hard to get it up to standards.

He reported the City/School Liaison Committee had formed an ad hoc committee to find solutions to children falling through the cracks. They discussed a partnership between the school district and the City that might include provision of vaccinations; working together to create a welcome center once the administration building is built by District 65. Both districts talked about new parents with children who have not gone through District 65 schools who don't know their alderman nor about parking. They talked about possible cooperative purchasing; discussed the fact that Council and District 65 board meet on the same night and perhaps a meeting with both boards and the City could be scheduled.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 11:45 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.