

March 25, 2002

**Evanston City Council  
Closed Session  
Aldermanic Library  
April 22, 2002**

PRESENT: Aldermen Rainey, Feldman, Newman, Jean-Baptiste, Bernstein

NOT PRESENT AT ROLL CALL: Alderman Engelman, Moran and Wynne

ABSENT: Aldermen Kent

STAFF: Judith Aiello, Kathleen Brenniman, Pat Casey, Roger Crum, Mark Franz, Herb Hill, Stan Janusz, Bill Stafford, Ellen Szymanski, Elke Tober, James Wolinski

GUEST: Rick Jones, Ryan, Smolens & Jones

PRESIDING: Mayor Lorraine H. Morton

START: 5:44 p.m.

Alderman Jean-Baptiste moved that City Council convene into Closed Session to discuss matters of purchase and selling of real estate, litigation and minutes pursuant to 5 ILCS 120/2 (c) ((5) (6) and (21). Seconded by Alderman Feldman. Roll Call: Voting aye – Rainey, Feldman, Newman, Jean-Baptiste, Bernstein, Engelman. Voting nay – none. Motion carried. (6-0)

**Minutes**

Closed session minutes of April 9, 2002 were accepted without change.

**Litigation Updates**

**Sharon Bench v. City of Evanston**

1<sup>st</sup> Assistant Corporation Counsel Herb Hill announced a jury trial was set for April 23; plaintiff has demanded \$350,000. He requested authority to negotiate a settlement of up to \$75,000. He reported Ms. Bench had fallen at Howard and Custer as she crossed the street from the north side of Howard to the south side of Howard Street. There is a hole there and the question was what caused her to fall. She suffered a bilateral pelvic fracture and made an appropriate recovery. The plaintiff has schizophrenia and a thirty-year history of mental illness and alcoholism. The medications she uses prohibit use of alcohol; had been drinking according to the paramedics. He stated that Rick Jones would try the case. Mr. Jones reported he took a deposition from her while she was in bed; that she is a shut-in and arrangements will have to be made to bring her to the trial. She may obtain a letter from her physician excusing her from coming in.

In response to Alderman Bernstein, there were no witnesses to the fall but after she fell store employees saw her sitting in the street. The place she fell is one step into the street. Her attorney is Mr. McCassa, 2200 Central Street. Mr. Hill clarified for Mayor Morton that they would start below \$75,000 to settle and there are photographs showing the hole in the street.

Alderman Engelman confirmed that if she cannot appear or comes in a wheelchair it will not be due to this fall. Mr. Jones said that Dr. Pettinghaus likes her and would support her but there is no report from him. Alderman Engelman noted there are two treating physicians indicating the result of fall on September 24, 1998, Dr. Scramberg discharged her and Dr. Pettinghaus, internist, who treated her was involved with the mobile care program. Mr. Jones explained the record started in 1999, five months after the fall.

The recommendation for settlement was not to exceed \$75,000. Alderman Rainey asked if the physician was still treating her in the mobile care unit. No. Up until a year ago she was treated for other problems.

**Tracy Parham vs. City**

Trial date 4/26/02. Mr. Hill reported authorization to settle for up to \$65-75,000 and there is no movement; this will go to trial in downtown Chicago.

**Aaron & Cleathe Palmer vs City of Evanston**

Trial date is 5/8/02. Mr. Hill report authorization to settle for up to \$75,000.

Four weeks ago a written report was received on Terry Upton's summary judgement. This will go on for several years.

Former aldermen Paden alleges lying and misconduct by the city staff. Her letter postmarked 4/8/02 received 4/12/02 also alleges similar violations by aldermen. The city got an administrative search warrant. Ms. Paden alleges harassment and unequal treatment. There is an issue on parking tickets and city sticker. The case will continue with Ellen Szymanski and Jim Wolinski. Mayor Morton asked what Ms. Paden is after? Mr. Hill responded that they were asking for sanctions because the city has harassed her. Alderman Rainey stated that Ms. Paden doesn't want interior inspections of rental property she owns. The Supreme Court authorized the procedure and there is no singling out of a particular building. Ms. Paden alleges the city came in 6-9 months ago onto her building. One of her tenants had put a video camera to watch his parking place. Alderman Newman said that Ms. Paden appeals everything. Let staff handle this. She is being treated like others.

**NU vs City of Evanston**

Oral arguments 5/15/02

**Keefe-Shea vs. DiPaolo**

4/17/02 Alderman Engelman asked who is on the panel on Keefe Shea? Mr. Hill did not know

**Economic Housing Group Request to purchase 1813 Lyons Street**

Community Development Director James Wolinski stated this concerns 1813 Lyons property which was one of the first rehab cases in the late 70s when the city did a title transfer-reducing loan.

Alderman Wynne came into the meeting at this time

The property was gutted inside and has been vacant for two years. Mr. Davidson wishes to purchase it and wants the City to forgive the lien of \$22,154 so that he can build affordable housing. The city is in second position; mortgage is \$7,000. Mr. Wolinski stated they could grant the waiver or not. They could credit bid at foreclosure and pay first mortgage. The seller Mrs. Jackson is in possession and may pay off the bank. Mr. Wolinski told Mr. Davidson that this would go before Council. Alderman Feldman suggested the city assume the mortgage by paying off the \$7,000.

Alderman Moran came into the meeting at this time.

Alderman Newman said the information they had was woefully inadequate. Alderman Rainey thought if Davidson paid \$7,000 plus the lien they would be ahead. City Manager Crum wanted to make sure the property is not sold for \$8,000. Mr. Wolinski will go for demolition at a cost of \$10-15,000. Alderman Rainey stated the first mortgage is in foreclosure. Alderman Engelman stated there are problems with documents and a lien becomes payable upon default. Mr. Wolinski has asked Jim Waggoner about the chain of title. The property was in trust and the loan was given to Mrs. Jackson. Alderman Engelman thought the city may not have the right to buy and recognized that a credit bid was not inappropriate. The sense of the discussion was not to forgive the lien.

At 6:19 p.m. Alderman Jean-Baptiste moved to convene into open session. Seconded by Alderman Rainey. Motion carried unanimously. The Council then recessed for standing committee meetings and reconvened in open session at 8:55 p.m.

Mary P. Morris,  
City Clerk